

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Emergency Complaint of ) DOCKET NO. 941165-PU  
Peoples Gas System, Inc. Against ) ORDER NO. PSC-95-0305-PCO-PU  
Tampa Electric Company for ) ISSUED: March 3, 1995  
Providing Unauthorized )  
Incentives for Electric Water )  
Heating Appliances )  
\_\_\_\_\_ )

ORDER GRANTING JOINT MOTION FOR CONTINUANCE  
BY PEOPLES GAS SYSTEM, INC. AND TAMPA ELECTRIC COMPANY

On February 23, 1995, Tampa Electric Company (TECO) and Peoples Gas System, Inc. (Peoples) filed a Joint Motion for Continuance. In the motion, the companies request that the Commission continue the hearing in this docket and suspend all interim filing deadlines, with the exception that TECO will file its responsive pleading to Peoples' Motion for Reconsideration. Thereafter, the parties request that all further activities in this docket be held in abeyance for the duration of the continuance. TECO will suspend the three pilot programs at issue in this case. Both parties also agree to withdraw all testimony filed in this docket and withdraw all testimony challenging each other's advertising in Docket No. 950002-EG. The parties request that the initial period of the continuance be 60 days, with the continuance remaining in effect unless, upon 30 days notice, either party requests that the schedule be reestablished.

In addition, the parties have agreed to hold meetings in a good-faith effort to reach a settlement on the underlying issue of competition between these two companies. The parties also note that they intend to ask the Commission to hold workshops and to expedite the schedule in Docket No. 941104-EG, Conservation Cost-Effectiveness.

The Joint Motion for Continuance is hereby granted. However, the parties shall have no longer than one year from the date of this order within which to resolve their differences. Thereafter, if this complaint remains unresolved, a hearing schedule will be reestablished following normal Commission scheduling procedures. No requests for an expedited proceeding will be entertained. Further, TECO's incentive programs at issue in this case shall remain suspended until final resolution of this docket.

DOCUMENT NUMBER-DATE

02434 MAR-3 95

FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-0305-PCO-PU  
DOCKET NO. 941165-PU  
PAGE 2

It is, therefore,


ORDERED that the Peoples Gas System, Inc.'s and Tampa Electric Company's Joint Motion for Continuance is hereby granted to the extent set forth in the body of this Order. It is further

ORDERED that all filing and hearing dates are hereby suspended for no longer than one year from the date of this Order. It is further

ORDERED that should either party seek the Commission's approval to reestablish the schedule in this Docket, the scheduling will be carried out by normal Commission procedures and will not be expedited. It is further

ORDERED that Tampa Electric Company's incentive programs at issue in this docket shall remain suspended until final resolution of this docket.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 3rd day of March, 1995.

  
\_\_\_\_\_  
DIANE K. KIESLING, Commissioner and  
Prehearing Officer

( S E A L )

BC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.