

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power Corporation for declaratory statement that Commission's approval of Negotiated Contract for Purchase of Firm Capacity and Energy between FPC and Metropolitan Dade County in Order No. 24734, together with Orders Nos. PSC-97-1437-FOF-EQ and 24989, PURPA, Florida Statute 366.051, and Rule 25-17.082, F.A.C., establish that energy payments thereunder, including when firm or as-available payment is due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics.

DOCKET NO. 980283-EQ
ORDER NO. PSC-98-0741-PCO-EQ
ISSUED: May 29, 1998

ORDER GRANTING INTERVENTION

By petition, dated March 11, 1998, Metropolitan Dade County and Montenay-Dade, Ltd. have requested permission to intervene for the limited purpose of moving to dismiss Florida Power Corporation's petition in this proceeding. Having reviewed the petition, I find that it should be granted. Therefore, it is

ORDERED by Commissioner J. Terry Deason as Prehearing Officer that the petition to intervene for the limited purpose of moving to dismiss Florida Power Corporation's petition filed by Metropolitan Dade County and Montenay-Dade, Ltd. is hereby granted. It is further

ORDERED that parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Gail P. Fels
Assistant County Attorney
Dade County Aviation Department
P. O. Box 592075 AMF
Miami, FL 33159

Robert Scheffel Wright
Landers and Parsons
310 West College Avenue
P. O. Box 271
Tallahassee, FL 32302

DOCUMENT NUMBER-DATE

05819 MAY 29 88

FPSC-RECORDS/REPORTING

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 29th day of May, 1998.


J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)

RCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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

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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.

METDECL.RCB