

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Consideration of change in frequency and timing of hearings for fuel and purchased power cost recovery clause, capacity cost recovery clause, generating performance incentive factor, energy conservation cost recovery clause, purchased gas adjustment (PGA) true-up, and environmental cost recovery clause.

DOCKET NO. 980269-PU  
ORDER NO. PSC-98-1084-FOF-PU  
ISSUED: August 10, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER MODIFYING ORDER NO. PSC-98-0691-FOF-PU

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029(2), Florida Administrative Code.

Effective November 17, 1997, Rule 25-17.015, Florida Administrative Code, was amended, in pertinent part, to require this Commission to conduct a hearing in the first quarter of each calendar year to determine Energy Conservation Cost Recovery (ECCR) factors for investor-owned electric and natural gas utilities for the 12-month period from April through the following March. On May 19, 1998, we issued Order No. PSC-98-0691-FOF-PU in this docket, requiring, among other things, the initiation of rulemaking to

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again amend Rule 25-17.015, Florida Administrative Code, to allow ECCR factors to be determined on a calendar year basis beginning at a November 1999 hearing. A schedule detailing the manner in which the transition to a calendar-year ECCR factor would be implemented was attached to the Order as Attachment E.

Due to the short amount of time between the effective date of the 1997 rule amendments and the issuance of Order No. PSC-98-0691-FOF-PU, the transition made necessary by the 1997 amendments had not begun when the Order was issued. However, the ECCR transition schedule attached to the Order as Attachment E, reflecting the most recent change and anticipated amendment of Rule 25-17.015, Florida Administrative Code, does not reflect that the prior transition had not been made. Hence, the starting point for that transition schedule is not accurate.

We find, therefore, that Order No. PSC-98-0691-FOF-PU should be modified by replacing the ECCR transition schedule attached to the Order as Attachment E with the ECCR transition schedule attached hereto as Attachment E - Amended. This modification will reflect the proper starting point for the transition required by Order No. PSC-98-0691-FOF-PU. In addition, the modified transition schedule will allow this Commission and the parties to avoid the time-consuming process of completing two separate transitions and to make a smooth and complete transition to a calendar year ECCR factor for 2000.

Based on the foregoing, it is

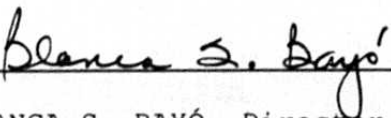
ORDERED by the Florida Public Service Commission that Order No. PSC-98-0691-FOF-PU shall be modified by replacing Attachment E to the Order with Attachment E - Amended, which is attached hereto and incorporated herein by reference.

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 10th  
day of August, 1998.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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.

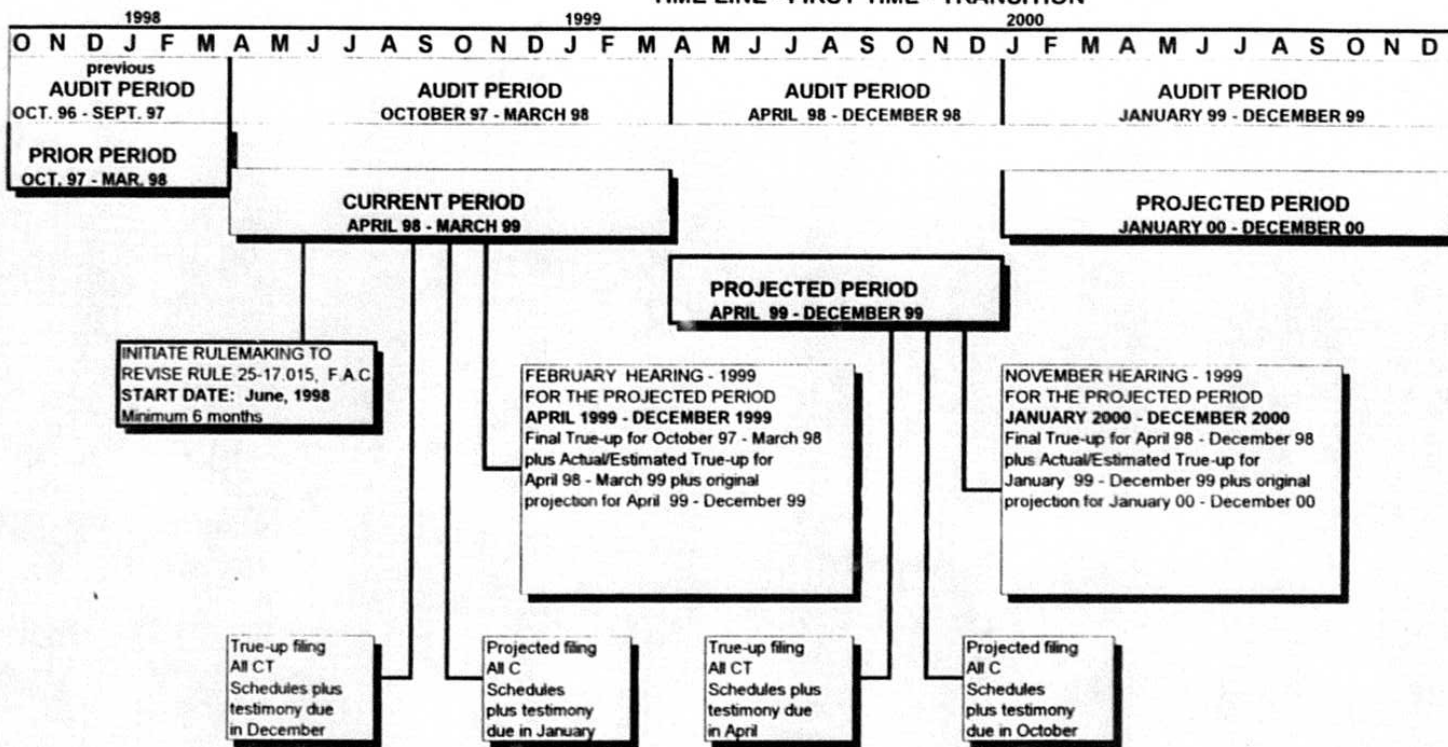
The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 31, 1998.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

**ENERGY CONSERVATION COST RECOVERY FILING  
TIME LINE - FIRST TIME - TRANSITION**



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ATTACHMENT E AMENDED  
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