

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the equity ratio and return on equity of Florida Power & Light Company.

DOCKET NO. 981390-EI  
ORDER NO. PSC-99-0179-PCO-EI  
ISSUED: January 29, 1999

ORDER GRANTING THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
AND TROPICANA PRODUCTS, INC.'S  
MOTION TO FILE RESPONSE ONE DAY OUT OF TIME

On January 12, 1998, the Florida Industrial Power Users Group (FIPUG) and Tropicana Products, Inc. (Tropicana), timely filed protests to Order No. PSC-98-1748-FOF-EI. On January 15, 1999, Florida Power & Light Company (FPL) filed a motion to dismiss all the protests to Order No. PSC-98-1748-FOF-EI. Pursuant to Rule 28-106.204, Florida Administrative Code any response to the motion to dismiss was due to be filed no later than January 27, 1999.

On January 28, 1999, FIPUG and Tropicana filed a Motion to file Response One Day Out of Time. FIPUG and Tropicana state that due to circumstances beyond their control, the filing had been delivered to the Commission for filing after 5:00 p.m. on the due date. FIPUG and Tropicana assert that no party would be prejudiced if the Commission accepted their filing one day later than specified in the applicable rule. Counsel for FIPUG and Tropicana has contacted the other parties to this docket and states that no party objects to the request. Having considered the motion, and given that there is no objection to the request, I find that it should be granted.

Based on the foregoing, it is

ORDERED by the Commissioner J. Terry Deason as Prehearing Officer, that the Florida Industrial Power Users Group's and Tropicana Products, Inc.'s Motion to File Response One Day out of Time is granted.


DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 29th day of January, 1999.

  
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J. TERRY DEASON  
Commissioner and Prehearing Officer

( S E A L )

RVE/TRC

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

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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.