

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendments to Rule 25-4.002, F.A.C., Application and Scope; 25-4.141, Minimum Filing Requirements for Rate of Return Regulated Local Exchange Companies; Commission Designee; 25-4.202, Construction and Waivers; 25-24.555, Scope and Waiver; 25-6.002, Application and Scope; 25-6.043, Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee; 25-6.0438, Non-Firm Electric Service - Terms and Conditions; 25-17.087, Interconnection and Standards; 25-30.010, Rules for General Application; 25-30.011, Application and Scope; 25-30.436, General Information and Instructions Required of Class A and B Water and Wastewater Utilities in an Application for Rate Increase; 25-30.450, Burden of Proof and Audit Provisions; 25-30.455, Staff Assistance in Rate Cases; 25-30.456, Staff Assistance in Alternative Rate Setting; 25-30.570, Imputation of Contributions-in-Aid-of-Construction; and 25-30.580, Guidelines for Designing Service Availability.

DOCKET NO. 980569-PU
ORDER NO. PSC-99-0968-PCO-PU
ISSUED: May 13, 1999

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Commission has proposed amendments to Rules 25-4.002, 25-4.141, 25-4.202, 25-24.555, 25-6.002, 25-6.043, 25-6.0438, 25-17.087, 25-30.010, 25-30.011, 25-30.436, 25-30.450, 25-30.455,

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25-30.456, 25-30.570, and 25-30.580, F.A.C., to remove general provisions providing for waivers or exemptions from certain Commission rules. The rule proposal was published in the Florida Administrative Weekly on December 31, 1998, in Volume 24, Number 53. Florida Power & Light Company ("FPL") and Tampa Electric Company ("TECO") filed requests for hearing on January 14, 1999.

II. Rulemaking Hearing

A rulemaking hearing is scheduled before the Commission at the following time and place:

9:30 a.m., Thursday, August 12, 1999
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The rulemaking hearing shall be governed by section 120.54(3)(c), Florida Statutes, and by Rule 28-103.004, Florida Administrative Code.

III. Prehearing Procedures and Deadlines

FPL, TECO, and other interested persons who are or will be requesting the Commission to adopt changes to the rules as proposed in the December 31, 1998, Florida Administrative Weekly shall prefile comments or testimony no later than June 24, 1999. Any person may then prefile comments or testimony responding to the comments and testimony that are filed on June 24, 1999. The responsive comments and testimony must be filed no later than July 15, 1999. Rebuttal comments or testimony must be filed no later than August 5, 1999.

Prefiled comments and testimony shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches). If testimony is filed, each line shall be numbered.

All alternative rule proposals must be made in writing, with copies attached to prefiled comments or testimony. Changes or additions to the proposed rule text must be shaded, and explanations of those changes or additions with cross-references to page numbers of prefiled comments or testimony should be included in footnotes to the rule text.

Each exhibit intended to support prefiled comments or testimony shall be attached to that person's comments or testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, and exhibits must be filed with the Director, Division of Records and Reporting, by the close of business, which is 5:00 p.m. on the date due. Service on the following persons is required:

Matthew M. Childs, Esquire, Steel Hector & Davis LLP, 215 South Monroe Street, Suite 601, Tallahassee, FL 32308 (Attorney for Florida Power & Light Company)

William G. Walker III, Florida Power & Light Company, 215 South Monroe Street, Suite 810, Tallahassee, FL 32308

James D. Beasley and Lee L. Willis, Esquires, Ausley & McMullen, P. O. Box 391, Tallahassee, FL 32302 (Attorneys for Tampa Electric Company)

Richard A. Zambó, Esquire, 598 S.W. Hidden River Avenue, Palm City, FL 34990 (Attorney for Florida Industrial Cogeneration Association)

Christiana T. Moore, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

IV. Hearing Procedures

The Commission staff will present a summary of the proposed rule amendments.

The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: Florida Administrative Weekly notice and proposed rules; materials provided to the Joint Administrative Procedures Committee, which include the statement of facts and circumstances justifying the rules, statement on federal standards, and notice of rulemaking; a memorandum regarding a statement of estimated regulatory costs; and any material, including prefiled comments and attachments, that may be submitted pursuant to section 120.54, Florida Statutes. It shall not be necessary for participants to insert their prefiled comments and testimony into

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the record at the hearing. Copies of the first exhibit will be available the day before the hearing.

Following the staff presentation, interested persons will have the opportunity to present comments, evidence, and argument. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. Persons making presentations will be subject to questions from other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position.

Persons who wish to participate at the hearing must register at the beginning of the hearing. The general order of presentation will be as follows:

Members of the Public
Florida Power & Light Company
Tampa Electric Company
Florida Industrial Cogeneration Association
Other Utilities
Office of the Public Counsel

The specific order of presentation will be determined by the presiding officer the morning of the hearing.

V. Posthearing Procedures

A transcript of the proceedings will be made available to the public on or about August 19, 1999, at cost.

Participants may file posthearing comments no later than September 2, 1999, subject to change announced at the hearing. Posthearing comments shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

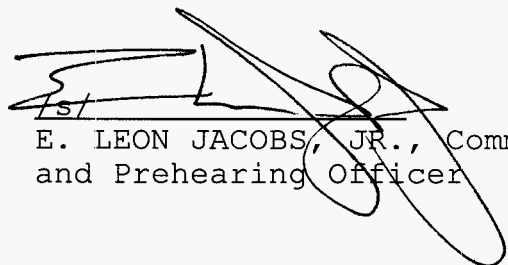
An original and 15 copies of all posthearing comments shall be filed with the Director, Division of Records and Reporting, by the close of business which is 5:00 p.m. on the date due.

Based on the foregoing, it is

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ORDERED that this order shall govern the conduct of these proceedings, as set forth above, unless modified by the Commission.

BY ORDER of Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, this 13th day of May, 1999.


E. LEON JACOBS, JR., Commissioner
and Prehearing Officer

(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.

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 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.