

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and
generating performance incentive
factor.

DOCKET NO. 010001-EI
ORDER NO. PSC-01-1057-PCO-EI
ISSUED: May 3, 2001

ORDER GRANTING REQUEST FOR EXPEDITED MOTION HEARING

On April 11, 2001, Florida Industrial Power Users Group ("FIPUG") filed a Motion to Compel Tampa Electric Company to Respond to Discovery and Request for Expedited Motion Hearing. In support of its request for an expedited motion hearing, FIPUG asserts that the information it seeks from Tampa Electric Company ("TECO") in its motion to compel is directly relevant to the issues in this docket and, thus, to FIPUG's case preparation. FIPUG seeks an expedited motion hearing to have this discovery dispute quickly resolved.

On April 18, 2001, TECO filed its Response to FIPUG's Motion to Compel and Request for Expedited Motion Hearing. In its response, TECO asserts that, given the schedule for this docket, disposition of FIPUG's motion does not require expedited consideration and should be taken up in due course at the convenience of the Prehearing Officer.

Upon consideration, FIPUG's request for an expedited motion hearing on its motion to compel is granted. The parties' case preparation, including conduct and analysis of discovery, should not be delayed. Accordingly, a motion hearing on FIPUG's motion to compel shall be held, pursuant to notice issued in this docket, at 8:30 a.m., Tuesday, May 22, 2001, in Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida. -

Based upon the foregoing, it is

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Florida Industrial Power Users Group's Request for Expedited Motion Hearing is granted.

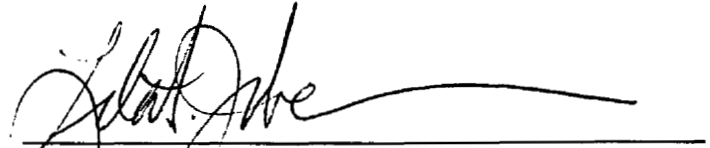
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FPSC-RECORDS/REPORTING

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 3rd day of May, 2001.



LILA A. JABER
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

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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.