

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
Wireless Internet Service (WIS-
1) Rate and Service Agreement by
Florida Power & Light Company.

DOCKET NO. 010443-EI
ORDER NO. PSC-01-1333-PCO-EI
ISSUED: June 18, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On April 5, 2001, Florida Power & Light Company (FPL) submitted a new Wireless Internet Service (WIS-1) rate schedule and agreement. On April 23, 2001, FAL provided information supporting the proposed tariff. Staff is conducting additional discovery and asked FAL for a waiver of the 60-day file and suspend period set forth in Section 366.06(3), Florida Statutes. On May 16, 2001, FAL filed a letter agreeing to extend the 60-day period by an additional 30 days.

While we will attempt to schedule FAL's petition for a Commission vote within the additional 30 days contemplated in FAL's May 16 letter, we are concerned that the limited additional time afforded by FAL may not be sufficient to fully evaluate the petition. Therefore, we find that FAL's proposed new WIS-1 tariff should be suspended.

Pursuant to Section 366.06(3), Florida Statutes, the Commission may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase, within 60 days, a reason or written statement of good cause for doing so. We find that the proposed

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tariff should be suspended to allow staff the opportunity to request more supporting data, and additional time to evaluate the petition. We find that this constitutes good cause, consistent with the requirements of Section 366.06(3), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed Wireless Internet Service rate schedule and agreement shall be suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 18th day of June, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DDH

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

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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.