

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
Consumptive Water Use Monitoring
Activity and Smith Wetlands
Mitigation Plan as new programs
for cost recovery through the
Environmental Cost Recovery
Clause by Gulf Power Company.

DOCKET NO. 000808-EI
ORDER NO. PSC-01-1451-PCO-EI
ISSUED: July 10, 2001

ORDER HOLDING DOCKET IN ABEYANCE

Order No. PSC-00-2092-PAA-EI, issued on November 3, 2000, in this docket, denied the request of Gulf Power Company (Gulf) to recover wetland mitigation costs through the environmental cost recovery clause (ECRC). Wetland mitigation was required to offset the effects of construction of the new Smith Unit 3 facility. On November 27, 2000, Gulf filed a protest of the Order. The docket has been set for hearing on September 19, 2001, to address Gulf's protest.

Gulf filed a new petition on June 8, 2001, which, if granted, would negate the need for the mitigation project to be passed through the ECRC, and therefore negate the need for a hearing in Docket No. 000808-EI. The new petition is assigned to Docket No. 010827-EI. Gulf's new petition proposes that Smith Unit 3 be sold to an affiliate and that Gulf buy the power back from the affiliate through a purchased power arrangement. Under the circumstances, litigating both dockets simultaneously would waste both Gulf's and the Commission's resources. Accordingly, it is reasonable to hold the hearing scheduled in Docket No. 000808-EI in abeyance until a decision is made on Gulf's petition in Docket No. 010827-EI.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that Docket No. 000808-EI shall be held in abeyance until a ruling on Gulf Power Company's petition in Docket No. 010827-EI is made.

DOCUMENT NUMBER-DATE

08384 JUL 10 2001

REGISTRATION REPORTING

ORDER NO. PSC-01-1451-PCO-EI
DOCKET NO. 000808-EI
PAGE 2

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 10th day of July, 2001.



MICHAEL A. PALECKI
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 the Commission Clerk and Administrative Services, in the form

ORDER NO. PSC-01-1451-PCO-EI
DOCKET NO. 000808-EI
PAGE 3 .

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.