

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Gulf Power Company for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy.

DOCKET NO. 010827-EI
ORDER NO. PSC-01-1612-PCO-EI
ISSUED: August 7, 2001

ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

On June 8, 2001, Gulf Power Company (Gulf) filed a Petition for approval of a purchased power agreement (PPA) with Southern Power Company (Southern Power). Gulf proposes to sell the Smith Unit 3 facility, currently under construction; to Southern Power and to obtain capacity and energy from the facility under the terms of the PPA. Gulf would recover the cost of the capacity and energy through the recovery clauses. Gulf obtained a certificate of need for the facility, and the ability to recover the cost of the facility through base rates, by Order No. PSC-99-1478-FOF-EI, issued in Docket No. 990325-EI on August 16, 1999.

On July 24, 2001, the Order Establishing Procedure for this docket was issued. See Order No. PSC-01-1532-PCO-EI. The Order Establishing Procedure set forth two possible hearing and prehearing dates, and explained that a Status Conference would be held at a later time to decide on the final date. The Status Conference was held on August 1, 2001, and it was decided that the hearing would be held on September 5, 2001, with a prehearing conference on August 24, 2001.

Except for the dates of the hearing and prehearing conference, all other scheduling dates in the Order Establishing Procedure remain unchanged.

DOCUMENT NUMBER DATE

09573 AUG-7 01

FPSC-COMMISSION CLERK

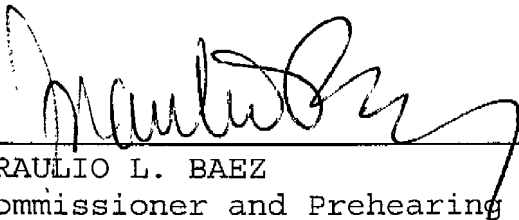
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Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the hearing in this docket shall be held on September 5, 2001, and the prehearing conference shall be held on August 24, 2001. It is further

ORDERED that Order No. PSC-01-1532-PCO-EI is affirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 7th Day of August, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

MKS

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.

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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 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.