

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendments to
Rule 25-17.0832, F.A.C., Firm
Capacity and Energy Contracts.

DOCKET NO. 001574-EQ
ORDER NO. PSC-01-2175-PCO-EQ
ISSUED: November 5, 2001

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Florida Public Service Commission has proposed amendments to Rule 25-17.0832, Florida Administrative Code. The purpose of the amendments is to reduce the minimum term for standard offer contracts from 10 to five years, as well as to require investor-owned electric utilities to specify the term of the standard offer when filing the contract for approval with the Commission.

The Commission voted to propose the amendments on September 3, 2001. The proposed rules were published in the Florida Administrative Weekly on September 21, 2001.

II. Rulemaking Hearing

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

9:30 a.m., May 15, 2002
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The rulemaking hearing shall be governed by Section 120.54, Florida Statutes, and by Chapter 28-103 and Rule 25-22.017, Florida Administrative Code.

DOCUMENT NUMBER-DATE

13966 NOV-5a

FPSC-COMMISSION CLERK

III. Prehearing Procedures

Interested persons may prefile comments and testimony no later than March 1, 2002. Prefiling comments and testimony will aid the Commission in its consideration of the rules and possible alternatives and will save time at the hearing. Additionally, prefiling comments and testimony will allow the Commission to elicit responsive comments and testimony, as stated below.

Prefiled comments and testimony shall be typed on 8 1/2 inch by 11 inch transcript-quality paper, double spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

All alternative rule proposals must be made in writing, with copies attached to prefiled comments or testimony. See Attachment "A" for suggested rule proposal format.

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 the Commission Clerk and Administrative Services, by the close of business, which is 5:00 p.m. on the date due.

Any person may prefile responsive comments or responsive testimony to the comments and testimony filed by March 1, 2002. The responsive comments and testimony must be filed no later than April 1, 2002, and in the format described above.

See Rule 25-22.028(1), Florida Administrative Code, for the requirements of filing on diskette for certain persons.

Service on other persons is not required, since it is uncertain at this time who will participate. However, to facilitate an orderly hearing and avoid undue repetition, those prefiling comments and testimony may wish to share it with other known participants.

IV. Hearing Procedures

The Commission staff will present a summary of the economic impact statement and the rules.

The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: FAW notice and proposed rules; materials provided to the Joint Administrative Procedures Committee in connection with the proposed rules, which include the statement of facts and circumstances justifying rules, statement on federal standards, statement of impact on small business, and statement of estimated regulatory costs; notice of rulemaking; and any material, including prefiled comments and attachments, that may be submitted pursuant to Section 120.54(3)(c)1., Florida Statutes. It shall not be necessary for participants to insert their prefiled comments and testimony into the record at the hearing.

Due to the length of the first exhibit, copies will not be distributed at the hearing. However, there will be several copies available for inspection.

Following the staff presentation, affected persons will have the opportunity to present 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. If time permits, persons making presentations will be subject to questioning by 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
- Investor-owned utilities
- Qualifying facilities
- Nonutility generators
- Special interest groups

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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 May 29, 2002, at cost.

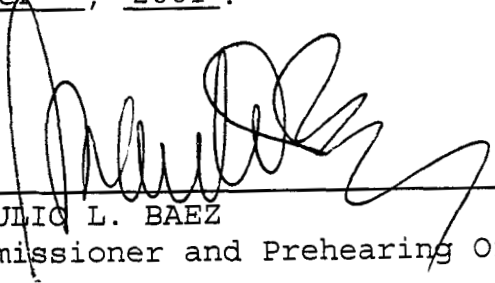
Participants may file posthearing comments no later than June 19, 2002. Posthearing comments shall be typed on 8 1/2 inch by 11 inch transcript-quality paper, double spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

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

Based on the foregoing, it is

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

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 5th Day of November, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

MAH

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 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.

ATTACHMENT "A"

1
2
3 Rule 25-xx.xxxx Suggested format for rule proposals.

4 (1) Proposed rules and rule revisions must be submitted in
5 writing, and must be typed, double-spaced, using type-and-strike
6 format.

7 (2) You may request an electronic copy of the rule by e-
8 mailing Mary Anne Helton at mhelton@psc.state.fl.us. She will
9 reply by attaching the file in WordPerfect 9 format.

10 (3) Please redline suggested additions to and deletions from
11 the proposed version of the rules. Explanatory comments should be
12 keyed to the rule in some fashion, such as through footnotes.

13 (4) Example of redlined additions with explanatory comment:

14 The Florida Energy Efficiency and Conservation Act requires
15 increasing the efficiency of the electric systems of Florida, by
16 increasing the conservation of expensive resources, such as
17 petroleum fuels, to reduce and the end use of these sources of
18 energy by reducing ~~weather-sensitive~~¹ peak demand, ~~oil consumption~~
19 and kilowatt hour consumption to the extent cost effective.
20
21
22
23

24 _____
25 ¹ Staff believes that the rule should address all peak demand,
not just weather-sensitive peak demand.

CODING: Words underlined are additions; words in ~~struck~~
~~through~~ type are deletions from existing law.