

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail
rates of Florida Power & Light
Company.

DOCKET NO. 001148-EI
ORDER NO. PSC-02-0401-PCO-EI
ISSUED: March 22, 2002

ORDER VACATING ORDER GRANTING MOTION TO COMPEL

On February 27, 2002, I issued Order No. PSC-02-0254-PCO-EI granting the South Florida Hospital & Healthcare Association's (SFHHA) motion to compel discovery in this docket. For the reasons set forth below, I now vacate that order.

By its Motion to Compel filed January 30, 2002, the SFHAA sought answers to its Interrogatory Nos. 32 and 33 seeking information concerning transactions involving Florida Power & Light Company's (FPL) unregulated affiliates. FPL responded on February 6, 2002, that the information sought was beyond the permissible scope of discovery in this proceeding.

On March 1, 2002, FPL filed a Motion for Reconsideration claiming that the Order fundamentally misapprehended the applicable law governing discovery. On March 8, 2002, SFHHA filed a response to FPL's Motion for Reconsideration. While this matter was pending, on March 14, 2002, I issued Order No. PSC-02-0348-PCO-EI, suspending the procedural schedule and discovery in this docket. On March 15, 2002, a Settlement and Stipulation was filed, which if approved, would dispose of all pending matters in this case. This agreement was approved by vote of the Commission on March 22, 2002. The discovery suspension was never lifted, and the Commission has voted to close the docket. It is, therefore, apparent that there is no need for FPL to provide SFHHA with the information. In consideration of these facts, I find that Order No. PSC-02-0254-PCO-EI should be vacated.

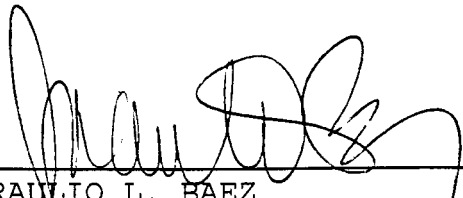
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It is therefore,

Ordered that Order No. PSC-02-0254-PCO-EI be and the same is hereby vacated.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 22nd day of March, 2002.



BRAULIO L. BAEZ
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

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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.