

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost
recovery clause.

DOCKET NO. 020007-EI
ORDER NO. PSC-02-1512-PCO-EI
ISSUED: November 4, 2002

ORDER GRANTING MOTION FOR LEAVE TO FILE REVISED TESTIMONY

On October 23, 2002, Florida Power Corporation (FPC), filed a Motion for Leave to File Revised Testimony. The revised testimony is to replace the original testimony submitted on September 9, 2002. FPC explains that in the process of responding to discovery requests it determined that the amount of costs for which recovery was sought should be reduced. FPC believes that providing revised testimony and exhibits with correct dollar amounts will minimize confusion. FPC has not changed the scope of its testimony in any way, but has merely substituted correct numbers for incorrect numbers.

Under the circumstances, I find that it is appropriate to allow FPC to substitute its revised testimony for the original testimony. Correction of a material error constitutes good cause. In addition, none of the other parties should be prejudiced by the revision, and no responses opposing FPC's Motion have been filed.

Based on the foregoing, it is

ORDERED by the Commissioner Michael A. Palecki, as Prehearing Officer, that Florida Power Corporation's Motion for Leave to File revised Testimony is granted.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 4th Day of November, 2002.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

MKS

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

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.