

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 060555-EI
ORDER NO. PSC-06-0849-PCO-EI
ISSUED: October 10, 2006

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Commission has proposed amendments to Rule 25-17.0832, Florida Administrative Code, Firm Capacity and Energy Contracts. Specifically, the Commission voted to amend Rule 25-17.0832 to establish standard offer contracts for renewable generators, to implement Section 366.91, Florida Statutes and to promote renewable generation in Florida. The Notice of Rulemaking will be published in the Florida Administrative Weekly on October 20, 2006.

II. Rulemaking Hearing

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

9:30 a.m., November 9, 2006
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The rulemaking hearing shall be governed by section 120.54(3)(c), Florida Statutes, and by Rule 28-103.004, Florida Administrative Code.

III. Prehearing Procedures and Deadlines

In order to make efficient use of the Commission's time at the November 9, 2006 hearing, interested persons who are or will be requesting the Commission adopt changes to the rule as proposed on October 3, 2006, and published in the October 20, 2006, Florida Administrative Weekly, are strongly encouraged to prefile comments or testimony no later than October 25, 2006.

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

All alternative rule proposals should be made in writing, with copies attached to prefiled comments or testimony. Changes or additions to the proposed rule text should be shaded, and explanations of those changes or additions with cross-references to page numbers of prefiled comments/testimony should be included in footnotes to the rule text.

DOCUMENT NUMBER-DATE

09380 OCT 10 06

FPSC-COMMISSION CLERK

Each exhibit intended to support prefiled comments or testimony should be attached to that person's comments/testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, alternative rule proposals, 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. While interested persons are strongly encouraged to file by October 25, 2006, the final date for submission of written comments is November 3, 2006, as set forth in the Florida Administrative Weekly Notice of Rulemaking. Service on the following persons is required:

Richard Zambo, Esquire, 2336 S. East Ocean Blvd., Number 309, Stuart, Florida 34996-3310

Robert Scheffel Wright, Esquire, 225 S. Adams Street, Suite 200, Tallahassee, Florida, 32301

Kathryn G.W. Cowdery, Esquire, 215 S. Monroe Street, #815, Tallahassee, FL 32301

Vicki Gordon Kaufman, Esquire, The Perkins House, 118 N. Gadsden Street, Tallahassee, FL 32301

Susan F. Clark, Esquire, P.O. Box 10967, Tallahassee, FL 32302-2967

Larry D. Harris, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862

IV. Hearing Procedures

The Commission staff will present a summary of the proposed rule amendments as approved by the Commission at the October 3, 2006, Agenda Conference.

The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: Florida Administrative Weekly notice and proposed rule; materials provided to the Joint Administrative Procedures Committee, which include the statement of facts and circumstances justifying the rule, statement on federal standards, and notice of rulemaking; a memorandum regarding a statement of estimated regulatory costs; and any material, including prefiled comments, testimony, and attachments, that may be submitted pursuant to section 120.54, Florida Statutes. It shall not be necessary for participants to insert their prefiled comments or testimony into the record at the hearing. Copies of the first exhibit will be available at the hearing.

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. Persons making presentations will be subject to questions from other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position. The specific order of presentation will be determined by the presiding officer the morning of the hearing.

At the conclusion of the hearing, the Commission may make its decision, or may announce dates for the filing of a staff recommendation and an Agenda Conference. Based on the hearing record, the Commission may decide to file the rule for adoption as originally proposed; propose changes to the rule; or withdraw all proposed changes.

V. Posthearing Procedures

At the conclusion of the November 9, 2006, hearing, the Commission may make its decision. In the event the Commission does not make its decision at the conclusion of the hearing, the provisions of this section shall apply.


A transcript of the proceedings will be made available to the public on or about November 13, 2006, at cost.

If the Commission decides to allow posthearing comments, they shall be filed no later than November 16, 2006, or such other date as announced at the hearing. If allowed, posthearing comments shall be typed on 8-1/2-inch by 11-inch transcript-quality paper, double-spaced, 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 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 J. Terry Deason, as Prehearing Officer, this 10th day of October, 2006.



J. PERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

LDH

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; or (2) 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.