

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO. 080001-EI
ORDER NO. PSC-08-0664-PCO-EI
ISSUED: October 7, 2008

ORDER ALLOWING MEMORANDUM
ON ADDITIONAL ISSUE

As part of the Commission's continuing fuel and purchased power cost recovery and generating performance incentive factor proceedings, this docket was opened, and a hearing has been set for November 4-6, 2008. By Order No. PSC-08-0148-PCO-EI (Order Establishing Procedure), issued March 11, 2008, a procedural schedule was established setting forth the controlling dates for this docket. The Office of Public Counsel (OPC), the Office of the Attorney General (AG), AARP, the Florida Industrial Power Users Group (FIPUG), the Florida Retail Federation (FRF), and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (White Springs) have each either been granted intervention or have filed a notice of intent to retain party status in this docket.

On September 30, 2008, the Commission staff conducted a meeting with the parties to discuss the tentative list of issues for determination by the Commission in this docket. During that meeting, FIPUG proposed an additional issue for inclusion.

It appears that there is disagreement among the parties as to whether FIPUG's proposed additional issue should be included as an issue for the Commission's determination. Accordingly, to facilitate rulings that will be necessary at the October 20, 2008, prehearing conference, parties are encouraged to file a memorandum setting forth the rationale for the inclusion, exclusion, or modification of the following issue raised by FIPUG:

FIPUG

ISSUE: Does the fuel charge proposed by FPL/PEF/TECO contain items that do not change with the price of fuel, if so what is the amount included in the proposed fuel charge to cover these costs?

Such memorandum shall be filed no later than close-of-business on Wednesday, October 15, 2008.

Based upon the foregoing, it is

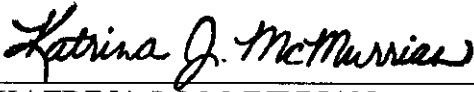
ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the parties may file a memorandum on the issue as discussed above by October 15, 2008.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 7th
day of October, 2008.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

LCB

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 Office of Commission Clerk, 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.