

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for Approval of "Tax Savings" Refund for 1988.	)	DOCKET NO. 890319-EI
	)	ORDER NO. 21865
	)	ISSUED: 9-11-89
	)	

ORDER GRANTING REQUEST FOR CLARIFICATION AND  
MOTION FOR EXTENSION OF TIME

On August 18, 1989, Florida Power & Light Company ("FPL") filed a Request for Clarification and Motion for Extension of Time in this docket. In its Motion, FPL requested clarification of Commission Staff's Interrogatory No. 21, and further requested an extension of time in which to respond to the interrogatory, if it is required to do so. Finally, as a means of raising its request for clarification, FPL objected to the interrogatory.

Staff's Interrogatory No. 21 refers to Minimum Filing Requirements ("MFR") Schedules C-56 and C-57. Schedule C-57 requires the utility to provide a schedule of operation and maintenance ("O&M") expense by function for the test year, the benchmark year, and the variance. For each functional benchmark variance, the utility is to justify the difference. In its motion, FPL argued that intensive effort would be required to respond to the interrogatory. The utility further stated that 1988 is not a test year, and questioned whether the interrogatory is within the proper scope of the issues in this docket.

Staff's Interrogatory No. 21 inquires into issues which affect FPL's earnings for tax savings purposes. The interrogatory is therefore relevant to this docket and FPL must respond. The amount of effort required for response leads us to grant an extension of the time for filing the interrogatory, but is not sufficient reason to relieve FPL of the responsibility of answering. However, MFR Schedule C-57 should be changed in the explanation section, to read "calendar year 1988" instead of "test year."

We appreciate FPL's desire to be cooperative, as stated in its motion. Our Staff has also indicated its willingness to cooperate in the discovery process. However, it is not the Commission's policy to instruct utilities on how to justify their O&M benchmark variances. Interrogatory responses are intended to summarize information. While it may be necessary to provide further information if a hearing is requested, at this point in the discovery process it remains the utility's responsibility to decide what level of justification is needed to explain benchmark variances.

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Therefore, for the reasons stated here and in FPL's motion, the utility will be granted an extension of time to respond to that portion of Interrogatory No. 21 which refers to MFR Schedule C-57, with the response to be due on or before October 2, 1989.

It is, therefore,

ORDERED that Florida Power & Light Company shall respond to Staff's Interrogatory No. 21 as if the explanation to MFR Schedule C-57 referred to "calendar year 1988" instead of "test year." It is further

ORDERED that Florida Power & Light Company shall respond to such interrogatory on or before October 2, 1989.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 11th day of SEPTEMBER, 1989.

  
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BETTY EASLEY, Commissioner  
and Prehearing Officer

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