

M E M O R A N D U M

December 11, 1989

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (BROWNLESS), *JB*
RE : DOCKET NO. 890737-PU - ORDER ON PROCEDURE

22306

Attached is Order On Procedure in the above-referenced docket which is ready to be issued.

534iL:SB r/bmi

DOCUMENT NUMBER-DATE
11941 DEC 12 1989
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of Section) DOCKET NO. 890737-PU
366.80-.85, Florida Statutes, Con-)
servation Activities of Electric and) ORDER NO. 22306
Natural Gas Utilities.)
_____) ISSUED: 12-12-89

ORDER ON PROCEDURE

On December 5, 1989 Florida Power Corporation (FPC) timely filed its protest of Proposed Agency Action Order No. 22176, issued on November 14, 1989. In its protest, FPC requested a Section 120.57(2), Florida Statutes, hearing limited to the legal issue of the Commission's authority to require electric utilities to develop cost-effective conservation programs which promote the use of natural gas. No other protests were filed in this docket. In addition, FPC requested that this issue be segregated from the implementation of the conservation programs identified in Order No. 22176 not related to electric utility promotion of gas and placed in a separate docket.

We agree with FPC that there are no disputed issues of material fact such that a Section 120.57(1), Florida Statutes, hearing is required. Thus, we grant FPC's request for an informal Section 120.57(2) hearing. We decline, however, to create a separate docket for the briefing of this issue.

In furtherance of that decision, the schedule below will be followed in this docket:

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| Briefs due | January 3, 1990 |
| Staff recommendation | January 18, 1990 |
| Agenda | January 30, 1990 |
| Order | February 2, 1990 |

By Order of Commissioner Gerald L. Gunter, Prehearing Officer, this 12th day of DECEMBER, 1989.


GERALD L. GUNTER, Commissioner
and Prehearing Officer

(S E A L)

SBr

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