

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve territorial	)	DOCKET NO. 900915-EI
dispute between SUWANNEE VALLEY ELECTRIC	)	ORDER NO. 24203
COOPERATIVE, INC. and FLORIDA POWER AND	)	ISSUED: 3-5-91
LIGHT COMPANY (H. R. Driggers property)	)	

ORDER ESTABLISHING PREHEARING PROCEDURE  
AND GRANTING MOTION TO REVISE  
CASE ASSIGNMENT AND SCHEDULING RECORD

On February 4, 1991, Florida Power and Light Company (FPL) filed a Motion for Rescheduling of the Commission's Case Assignment and Scheduling Record (CASR) in this docket. Having reviewed the motion I find that it should be granted, as set out more explicitly below.

Pursuant to the provisions of Rule 25-22.038, Florida Administrative Code, all parties and Staff are hereby required to file with the Director of Records and Reporting a Preliminary List of Issues and Positions on or before July 31, 1991 and a Prehearing Statement on or before August 9, 1991. Each Prehearing Statement shall set forth the following:

- (a) all known witnesses that may be called and the subject matter of their testimony;
- (b) all known exhibits, their contents, and whether they may be identified on a composite basis and witness sponsoring each;
- (c) a statement of basic position in the proceeding;
- (d) a statement of each question of fact the party considers at issue and which of the party's witnesses will address the issue;
- (e) a statement of each question of law the party considers at issue;
- (f) a statement of each policy question the party considers at issue and which of the party's witnesses will address the issue;
- (g) a statement of the party's position on each issue identified pursuant to paragraphs (d), (e) and (f) and the appropriate witness;

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- (h) a statement of issues that have been stipulated to by the parties;
- (i) a statement of all pending motions or other matters the party seeks action upon; and
- (j) a statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefor.

A sample Prehearing Statement is attached to this order as Attachment "A".

The original and fifteen copies of each Prehearing Statement must be received by the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of August 9, 1991. Failure of a party to timely file a Prehearing Statement shall be a waiver of any issues not raised by other parties or by the Commission Staff. In addition, such failure shall preclude the party from presenting testimony in favor of his or her position on such omitted issues. To the extent possible, each party shall respond to each issue raised in the other parties Preliminary Lists of Issues and Positions in its Prehearing Statement. If a party utilizes the Wordperfect (version 5.1) word-processing system in the preparation of its filings, it shall also supply a copy of its Prehearing Statement to the Legal Division of the Commission on a diskette to be returned. Copies of Prehearing Statements shall also be served on all parties. Prehearing Statements shall substantially conform to the Florida Rules of Civil Procedure requirements as to form, signatures, and certifications.

Each party is required to prefile all exhibits and all direct testimony it intends to sponsor in written form. Prefiled testimony shall be typed on standard 8 1/2 x 11 inch transcript quality paper, double spaced, with 25 numbered lines, in question and answer format, with a sufficient left margin to allow for binding. An original and fifteen copies of each witness' prefiled testimony and each exhibit must be filed with the Director of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870. Failure of a party to timely prefile exhibits and testimony from any witness in accordance with the foregoing requirements may bar admission of such exhibits and testimony. Copies of all prefiled testimony shall also be served by the sponsoring party on all other parties. The Petitioner, Suwanee

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Valley Electric Cooperative, Inc. (SVEC), shall file its direct testimony and exhibits on or before June 17, 1991. The Respondent, (FPL), and Staff shall file their respective testimony and exhibits on or before July 8, 1991. Rebuttal testimony, if any, must be filed on or before July 26, 1991.

A final prehearing conference will be held beginning at 9:30 a.m., August 27, 1991, in Room 122, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida. The conditions of Rule 25-22.038(5)(b), Florida Administrative Code, will be met in this case and the following shall apply:

- (1) Any party who fails to attend the final prehearing conference, unless excused by the prehearing officer, will have waived all issues and positions raised in his or her prehearing statement.
- (2) Any issue not raised by a party prior to the issuance of the prehearing order shall be waived by that party, except for good cause shown. A party seeking to raise a new issue after the issuance of the prehearing order shall demonstrate that: he or she was unable to identify the issue because of the complexity of the matter; discovery or other prehearing procedures were not adequate to fully develop the issues; due diligence was exercised to obtain facts touching on the issue; information obtained subsequent to the issuance of the prehearing order was not previously available to enable the party to identify the issue; and introduction of the issue could not be to the prejudice or surprise of any party. Specific reference shall be made to the information received, and how it enabled the party to identify the issue.
- (3) Unless a matter is not at issue for that party, each party shall diligently endeavor in good faith to take a position on each issue prior to issuance of the prehearing order. When a party is unable to take a position on an issue, he or she shall bring that fact to the attention of the prehearing officer. If the prehearing officer finds that the

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party has acted diligently and in good faith to take a position, and further finds that the party's failure to take a position will not prejudice other parties or confuse the proceeding, the party may maintain "no position at this time" prior to hearing and thereafter identify his or her position in a post-hearing statement of issues. In the absence of such a finding by the prehearing officer, the party shall have waived the entire issue. When an issue and position have been properly identified, any party may adopt that issue and position in his or her post-hearing statement.

To facilitate the management of documents in this docket, parties and Commission Staff shall submit an exhibit list with their respective prehearing statements. Exhibits will be numbered at the Prehearing Conference. Each exhibit submitted shall have the following in the upper right-hand corner: the docket number, the witness's name, the word "Exhibit" followed by a blank line for the Exhibit Number and the title of the exhibit.

An example of the typical exhibit identification format is as follows:

Docket No. 900915-EI  
J. Doe Exhibit No. \_\_\_\_\_  
Cost Studies for Transmission Line Construction

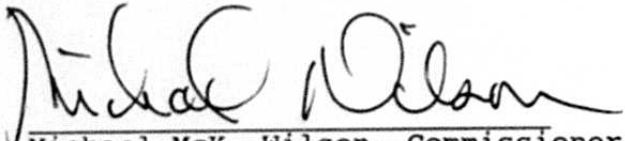
The following dates have been established to govern the key activities of this proceeding in order to maintain an orderly procedure.

1. June 17, 1991 - Petitioner's Direct Testimony and Exhibits to be filed
2. July 8, 1991 - Respondent's and Staff's Direct Testimony and Exhibits to be filed
3. July 26, 1991 - Rebuttal Testimony and Exhibits to be filed
4. July 31, 1991 - Preliminary Lists of Issues and Positions to be filed
5. August 9, 1991 - Prehearing Statements to be filed

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6. August 27, 1991 - Prehearing Conference
7. September 4, 1991 - Final Hearing

By ORDER of Commissioner Michael McK. Wilson, Prehearing  
Officer, this 5th day of March, 1991  
\_\_\_\_\_.

  
Michael McK. Wilson, Commissioner  
and Prehearing Officer

( S E A L )

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Attachment "A"  
To Order On Prehearing Procedure  
Docket No. 900915-EI

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Resolve Territorial ) DOCKET NO. 900915-EI  
Dispute between SUWANNEE VALLEY ELECTRIC )  
COOPERATIVE and FLORIDA POWER AND LIGHT )  
COMPANY (H. R. Driggers property) )  
\_\_\_\_\_ )

PREHEARING STATEMENT OF \_\_\_\_\_

A. APPEARANCES:

IDENTIFY EACH ATTORNEY FOR YOUR PARTY IN THE FORMAT SHOWN BELOW:

JAMES A. MCGEE, Esquire, Office of the General Counsel,  
Florida Power Corporation, P. O. Box 14042, St. Petersburg,  
Florida 33733  
On behalf of Florida Power Corporation.

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B. WITNESSES:

LIST EACH DIRECT AND REBUTTAL WITNESS IN THE FORMAT SHOWN BELOW, ALONG WITH THE SUBJECT MATTER AND ISSUE NUMBERS WHICH WILL BE COVERED BY HIS OR HER TESTIMONY.

<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
<u>EXAMPLE:</u>		
<u>(Direct)</u>		
1. A.B. Smith (FPC)	Fuel Adjustment, true-up and projections	1,2,3
2. C.D. Jones (FPC)	GPIF, reward/penalty and targets/ranges	4,5,6
<u>(Rebuttal)</u>		
3. E.F. Johnson (FPC)	Rebuttal to Staff GPIF testimony	6,7

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C. EXHIBITS:

LIST AND NUMBER EXHIBITS IN THE FORMAT SHOWN BELOW ACCORDING TO THE FOLLOWING FORMAT. IF YOU HAVE NO EXHIBITS, STATE SO IN THE SPACE PROVIDED.

EXAMPLE:

<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
<u>(ABS-1)</u>	Smith	True-up Variance Analysis Schedules A1 through A13
<u>(DEJ-1)</u>	Jones	Projections Forecast Assumptions (Parts A-C)
<u>(ABJ-1)</u>	Johnson	Reward/Penalty Standard GPIF Schedules

F o r m



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D. STATEMENT OF BASIC POSITION

IF DESIRED, A STATEMENT OF BASIC POSITION MAY BE PROVIDED. IT IS NOT NECESSARY TO PROVIDE A STATEMENT OF BASIC POSITION ON GENERIC, RECURRING ISSUES. FOR OTHER ISSUES, THE STATEMENT OF BASIC POSITION MUST BE LIMITED TO ONE OR TWO SHORT PARAGRAPHS.

\_\_\_\_\_ 's Statement of Basic Position:

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E. STATEMENT OF ISSUES AND POSITIONS

STATE YOUR POSITION ON EACH OF THE FOLLOWING GENERIC ISSUES. IF YOU HAVE NO POSITION, YOU MUST SO STATE. BE SURE TO IDENTIFY YOUR UTILITY AND WITNESS. PLEASE DO NOT REFER TO ATTACHMENTS UNLESS ABSOLUTELY NECESSARY. YOUR ENTIRE POSITION SHOULD BE TYPED IN THE SPACE BELOW.

- 1. ISSUE: What are the appropriate final fuel adjustment true-up amounts for the period April, 1990 through September, 1990?

Positions:

- 2. ISSUE: What are the projected therm sales of natural gas during the period April, 1991 through September, 1991?

Positions:

- 3. ISSUE: What is the appropriate true-up factor for application on customer bills during the April, 1991 through September, 1991 period?

Positions:

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F. STIPULATED ISSUES

IDENTIFY ANY STIPULATIONS. BE SURE TO IDENTIFY YOUR PARTY.

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G. MOTIONS

IDENTIFY ANY OUTSTANDING MOTIONS BY YOUR PARTY. BE SURE TO  
IDENTIFY YOUR PARTY.

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H. OTHER MATTERS

IDENTIFY OTHER MATTERS REQUIRING THE ATTENTION OF THE PREHEARING OFFICER. BE SURE TO IDENTIFY YOUR PARTY.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Respectfully submitted,

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MEMORANDUM

March 4, 1991

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (ELIAS) RVE  
SUBJECT: DOCKET NO. 900915-EI PETITION TO RESOLVE  
TERRITORIAL DISPUTE BETWEEN SUWANNEE VALLEY  
ELECTRIC COOPERATIVE, INC. AND FLORIDA POWER  
AND LIGHT COMPANY (H. R. Driggers property)

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Attached is an Order Establishing Prehearing Procedure and Granting Motion to Revise CASR to be issued in the above-referenced docket.

RVE  
attachment/Order

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