

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for inclusion of the Scherer Unit No. 4 purchase in rate base, including an acquisition adjustment.)	DOCKET NO. 900796-EI
)	ORDER NO. 24205
)	ISSUED: 3-6-91
)	

ORDER DENYING INTERVENORS' MOTIONS TO STRIKE

On January 16, 1991, intervenors in Docket No. 900796-EI, Office of Public Counsel (OPC) and Nassau Power Corporation (Nassau), filed motions to strike portions of Florida Power & Light Company's (FPL) brief and post-hearing statement of issues and positions. On January 24, 1991, the Coalition of Local Governments (CLG) joined OPC and Nassau in their motions to strike.

The moving parties generally state that Part II. E and Appendix II of the brief are attempts by FPL to enhance its direct evidentiary case after the conclusion of the proceedings with material that was not introduced during the hearing. They further assert that they have not had the opportunity to contest the accuracy or relevance of the data presented in Part II. E and Appendix II, and thus, the Public Service Commission (the Commission) should strike those portions of the brief.

Commission staff has reviewed the data presented in the above-mentioned portions of FPL's brief. They have determined that all the figures in question were either introduced into evidence during the hearing or were mathematically derived from record evidence. They are merely a compilation and summation of evidence previously introduced. Furthermore, the moving parties had their opportunities to cross-examine FPL's witnesses on the figures, assumptions, premises, and methodologies underlying the figures presented in the portions of the briefs in question.

The moving parties are not prejudiced by Part II. E and Appendix II of FPL's brief and post-hearing statement of issues and positions. Consequently, I hereby deny the intervenor's motions to strike.


In consideration of the foregoing, it is

ORDERED that the Intervenor's motions to strike are hereby denied. It is further

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ORDERED that if a protest is filed within fifteen (15) days of the date of this order, it will be resolved by the prehearing officer or the appropriate Commission panel pursuant to Rule 25-22.038(2), Florida Administrative Code.

By ORDER of Commissioner Michael Mck. Wilson, as Prehearing Officer, this 6th day of March, 1991.


MICHAEL MCK. WILSON, Commissioner
and Prehearing Officer

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