

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Planning Hearings on Load)	DOCKET NO. 910004-EU
Forecasts Generation Expansion )	ORDER NO. 24557
Plans, and Cogeneration Prices )	ISSUED: 5/20/91
for Florida's Electric Utilities.)	

ORDER GRANTING MOTIONS TO FILE  
SUPPLEMENTAL TESTIMONY AND DENYING  
MOTION TO STRIKE ISSUES AND TESTIMONY

On April 29, 1991, Falcon Seaboard Power Corporation (Falcon) and Nassau Power Corporation (Nassau) filed a motion for leave to file supplemental testimony regarding the "regulatory out" provisions of the standard offer contracts being considered in this docket. On May 1, 1991, the Florida Industrial Cogeneration Association (FICA) filed a similar motion for leave to file supplemental testimony on the "regulatory out" issues. Also on May 1, 1991, Kenetech Energy System, Inc., Mulberry Energy Company, Inc., and Decker Energy International joined FICA's motion to file supplemental testimony. On May 2, 1991, Air Products and Chemicals, Inc. (Air Products) filed a motion to withdraw the "regulatory out" issues, and to strike all testimony addressing those issues.

MOTIONS TO FILE SUPPLEMENTAL TESTIMONY

On May 7, 1991, Florida Power & Light Company (FPL) filed a response objecting to the motions of Nassau and FICA. In its response FPL argues that the only reason offered for the lateness of the filing is the mistaken belief that a stipulation concerning the treatment of this issue at the May hearing would be reached. While FPL is technically correct, this Commission would prefer to make an informed decision on this issue, based upon the evidence presented, rather than a lack thereof. The motions for leave to file supplemental testimony filed by Falcon, Nassau, and FICA (joined by Kenetech, Mulberry and Decker), will therefore be granted. Rebuttal testimony to the supplemental testimony shall be filed with the Division of Records and Reporting by 9:30 a.m., May 20, 1991.

MOTION TO STRIKE ISSUES AND TESTIMONY

In its motion to strike, Air Products argues that the "regulatory out" issues being considered in this docket are applicable to both negotiated and standard offer contracts. Therefore Air Products contends that Order No. 24142, which limits the scope of the May, 1991 "mini" APH by excluding issues related

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to negotiated contracts, should act to prevent the "regulatory out" issues from being considered at this time. Air Products argues that all "regulatory out" issues should be deferred until the September 1991 hearing which has been scheduled to resolve issues related to negotiated contracts.

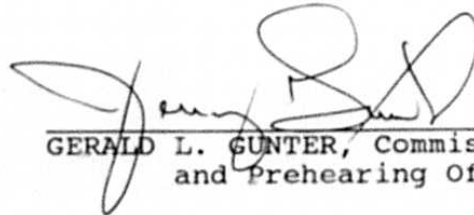
We do not agree. The issues in question relate directly to the "regulatory out" provisions of the standard offer contracts being considered in this docket. Should the parties wish to raise "regulatory out" issues relating to negotiated contracts at the September 1991 hearing, they will be free to do so. Air Products' Motion to Strike is therefore denied. Should Air Products wish to file supplemental testimony on the "regulatory out" issues, it will be permitted to do so on or before Tuesday, May 14, 1991.

Accordingly, it is

ORDERED by Commissioner Gerald L. Gunter, Prehearing Officer that the motions of Falcon Seaboard Power Corporation, Nassau Power Corporation, and the Florida Industrial Cogeneration Association for leave to file supplemental testimony are hereby granted. It is further

ORDERED that the motion to strike filed by Air Products and Chemicals, Inc. is hereby denied. Should Air Products and Chemicals wish to file supplemental testimony on the "regulatory out" issues, it shall do so on or before Tuesday, May 14, 1991.

By ORDER of the Commissioner Gerald L. Gunter, Prehearing Officer, this 20th day of MAY, 1991.



GERALD L. GUNTER, Commissioner  
and Prehearing Officer

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