

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Recovery of Fuel Costs ) DOCKET NO. 910925-EI  
associated with Florida Power ) ORDER NO. PSC-92-0206-PCO-EI  
Corporation's Crystal River 3 ) ISSUED: 4/14/92  
Outages in 8/89 and 10/90. )  
\_\_\_\_\_ )

ORDER DENYING MOTIONS TO STRIKE

In connection with the February, 1991 fuel adjustment proceedings in Docket No. 910001-EI, Public Counsel contested Florida Power Corporation's (FPC) recovery of the fuel costs associated with two unplanned outages that occurred at the Crystal River Unit 3 generating facility. The first outage occurred from August through October of 1989 and was caused by the failure of a seawater pump. The second outage occurred in October of 1990 and was caused by a lubricating oil leak.

A hearing on recovery of the fuel costs associated with the outages was held on February 12 and 13, 1992. Posthearing briefs were filed on March 18, 1992. Public Counsel moved to strike part of FPC's brief, and FPC then moved to strike Public Counsel's motion. Both parties filed timely responses.

Public Counsel's Motion to Strike Part of Florida Power Corporation's Post-Hearing Memorandum and Florida Power Corporation's Motion to Strike Public Counsel's Motion to Strike are hereby denied.

Public Counsel's motion is denied because the nature and extent of any "admission" made by the impeller supplier may well be subject to interpretation, but Florida Power Corporation's interpretation does not rise to the level of misrepresentation of the record. In its decision in this case the Commission will accord that interpretation the weight it deems appropriate.

DOCUMENT NUMBER-DATE

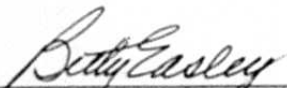
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FPC-RECORDS/REPORTING

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Florida Power Corporation's motion is denied because Florida's Rules of Civil Procedure and this Commission's procedural rules do not contemplate that motions will be made to address the sufficiency of other motions. That is appropriately done by a response.

By ORDER of Betty Easley, Commissioner and Prehearing Officer,  
this 14th day of APRIL, 1992.

  
BETTY EASLEY, Commissioner and  
Prehearing Officer

( S E A L )

MCB:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

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Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.