

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Generic Investigation ) DOCKET NO. 930169-EI  
into the appropriate method for ) ORDER NO. PSC-93-1304-FOF-EI  
investor-owned electric ) ISSUED: September 8, 1993  
utilities to recover compliance )  
costs associated with the Clean )  
Air Act Amendments of 1990. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JULIA L. JOHNSON  
LUIS J. LAUREDO

ORDER ON ENVIRONMENTAL COST RECOVERY FACTOR

BY THE COMMISSION:

In February of 1993, we opened this generic docket to investigate the appropriate treatment of compliance costs associated with the Clean Air Act Amendments of 1990. In March of 1993, the Florida Legislature passed legislation that established Section 366.8255, Florida Statutes, which requires the Commission to implement an Environmental Cost Recovery Factor. Since then, the Commission staff has conducted two workshops on the Environmental Cost Recovery Factor. In addition, both Gulf Power Company (Docket No. 930613-EI) and Florida Power and Light Company (Docket No. 930661-EI) have filed petitions seeking recovery for environmental compliance costs pursuant to Section 366.8255. Evidentiary hearings have been scheduled in both dockets and we are scheduled to vote on Gulf's petition on December 21, 1993, and on FPL's petition on February 1, 1994. We believe these dockets will give us experience concerning the manner in which Section 366.8255, Florida Statutes, should be implemented. Accordingly, we deny staff's recommendation to proceed with rule-making at this time. Once we have decided both cases and have gained experience concerning environmental cost compliance, we may decide to proceed with rule-making.

It is, therefore,

ORDERED by the Florida Public Service Commission that we decline to proceed with rule-making at this time to implement Section 366.8255, Florida Statutes. It is further

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ORDERED that this docket shall remain open pending a subsequent decision on rule-making.

By ORDER of the Florida Public Service Commission this 8th day of September, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
MAH/DLC:bmi

by: Kay Flynn  
Chief, Bureau of Records

Commissioner Johnson dissented from the Commission's decision.

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.

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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, 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.