

its wholesale customers, the cities of Fort Meade and Wauchula. Those cities received leave to intervene in the proceedings on August 24, 1993. A prehearing conference was held on March 7, 1994. The hearing is scheduled for March 17-18, 1994.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 366.093(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.

- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Commission Clerk's confidential files.

Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony that has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

IV. ORDER OF WITNESSES

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
Samuel F. Nixon	FPC	1, 2, 3, 4, 5
*Bonnie M. Bischoff	FPC	1, 2, 3
Donald R. Stillwagon	FPC	1, 2, 3, 4, 5
Dr. Robert B. Parente	FPC	1, 2, 3, 4, 5
Jeffry Pollock	FPC	1, 2, 3, 4, 5
T. Leonard Porter	TECO	2, 3
John B. Ramil	TECO	1, 2, 3, 4, 5
Charles C. Saddler III	TECO	2, 3
Warren May, Jr.	TECO	2, 3

ADVERSE WITNESSES

James Berry	FPC
Charles Saddler, III	FPC
Warren May, Jr.	FPC

STAFF WITNESS

William H. Meyer	FPC	3 (TECO's Separation and Cost of Service Study, Docket No. 920324-EI)
------------------	-----	---

REBUTTAL WITNESSES

Samuel F. Nixon	FPC	Rebuttal to testimony of John Ramil, Warren May Jr., and Charles Saddler III.
Donald R. Stillwagon	FPC	Rebuttal to testimony of T. Leonard Porter, John Ramil, Warren May, Jr., and Charles Saddler III.
Dr. Robert Bruce Parente	FPC	Rebuttal to testimony of T. Leonard Porter, John Ramil, Warren May, Jr., and Charles Saddler, III.
Jeffry Pollack	FPC	Rebuttal to testimony of John Ramil, Warren May, Jr., and Charles Saddler, III.

* All parties have agreed that the prefiled testimony and deposition testimony of this witness shall be inserted into the record and cross examination waived. The witness is excused from the hearing.

V. BASIC POSITIONS

FLORIDA POWER CORPORATION (FPC): TECO's proposed construction of a new 69 kV transmission line to serve the Cities of Wauchula and Fort Meade, at a cost of over \$11,000,000, should be enjoined by the Florida Public Service Commission (Commission) pursuant to Section 366.04(5), Fla. Stat. (a/k/a the "Grid Law"). This action is needed to protect the retail customers of both TECO and FPC from the negative impacts of TECO's uneconomic duplication of FPC's existing adequate and reliable 69 kV transmission facilities. The revenue requirements from TECO's retail customers to support the proposed lien will exceed \$2,000,000 per year, compared to TECO's use of FPC's transmission services for approximately \$289,000 per year. TECO can and should continue to provide wholesale power to the cities using FPC's transmission facilities. A decision now by the Commission is also warranted to provide needed guidance to all Florida utilities in order to avoid further uneconomic duplication of facilities.

TAMPA ELECTRIC COMPANY (TECO): Florida Power's petition in this proceeding should be dismissed, or at the very least denied, because it improperly seeks to use Florida Power's ownership of transmission facilities and the Commission's regulatory power to harm the competitive wholesale power market in Florida. In effect, Florida Power is asking the Commission to exercise its authority to create a monopoly service for Florida Power in what should be a competitive market. If the requested relief is granted, not only will the Cities of Fort Meade and Wauchula, Tampa Electric and its Customers be harmed, but so will the general body of retail and wholesale customers in this state. Florida Power should not be allowed to undo transactions for which it competed for and lost.

CITY OF FORT MEADE (MEADE): Agree with Tampa Electric Company's position.

CITY OF WAUCHULA (WAUCHULA): Agree with Tampa Electric Company's position.

STAFF: No position at this time.

Staff's positions are preliminary and based on materials filed by the parties and in discovery. Where the Staff has taken a preliminary position on an issue, that position is offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VI. ISSUES AND POSITIONS

LEGAL

ISSUE 1:

Does the Florida Public Service Commission have jurisdiction to consider the subject matter of Florida Power Corporation's petition and grant the relief requested?

FPC:

Yes. Florida Power Corporation concurs with the Staff's stated position on this issue. Specifically, Section 366.04(5), Fla. Stat., commonly known as "The Grid Bill" (or "The Grid Law"), gives the Florida Public Service Commission responsibility ". . . over the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure an adequate and reliable source of energy of energy for operational and emergency purposes in Florida and the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities." By the authority of this statute, the Commission has the jurisdiction to investigate Tampa Electric Company's proposed 69 kV transmission line to determine whether the proposed line comports with the purposes of the Grid Bill. The Commission has the authority to grant such appropriate relief as that determination may require.

TECO:

No. While this Commission has broad jurisdiction over Tampa Electric's business activities and plant investment, it has no authority to grant the relief requested. In this particular proceeding the Commission should refrain from granting the relief requested by Florida Power for the following reasons:

- (a) Florida Power lacks standing;
- (b) The issue of how the cost of the 69 kV line should be allocated is a premature issue about which Florida Power can only speculate. As with any other utility capital investment, the appropriate time for the Commission to determine proper cost allocation is in the company's next retail rate case under conditions which exist at that time. Conditions which exist when base rates are

next set for Tampa Electric may be different than they are presently. Issues of prudence should be addressed in full rate proceedings where the Commission determines the extent to which, if any, the revenue requirements associated with utility investments are to be borne by retail ratepayers as opposed to the shareholders of the utility;

- (c) The 69 kV line does not fall under the Transmission Line Siting Act;
- (d) The Commission has traditionally exercised its jurisdiction in matters related to uneconomic duplication of service as it relates to utilities vying for the opportunity to serve retail customers. The Commission has traditionally not involved itself in the activities undertaken by and between utilities to manage the needs of their systems such as the construction of interconnections between respective utility systems. The Cities of Fort Meade and Wauchula are not end-use Customers but, instead, are utilities which provide the same service to their Customers as other utilities provide to their Customers. The Cities should be given the same opportunity to manage the needs of their respective systems as has been given to other utilities in Florida;
- (e) The Florida Statutes do not authorize the Commission under the Grid Law to issue injunctions or cease and desist orders against the construction of transmission facilities. However, even if the Commission is found to have such authority, the Commission should not grant such injunction relief in this case;
- (f) The Commission does not have jurisdiction to approve or disapprove the terms or conditions of wholesale power supply agreements (which really is what Florida Power is seeking).

If the Commission concludes that it does have jurisdiction to consider the matters raised in Florida Power's petition, the Commission, as a matter of policy, should not interfere with Tampa

Electric's carrying out of the wholesale power supply agreements it has entered into with the Cities of Fort Meade and Wauchula, including construction of the 69 kV transmission facility. Any regulatory treatment of the cost of those facilities would be appropriately and fairly considered in Tampa Electric's next rate proceeding with the involvement of all parties affected by that proceeding.

FORT MEADE: Agree with Tampa Electric Company's position.

WAUCHULA: Agree with Tampa Electric Company's position.

STAFF: Yes. Section 366.04(5), Florida Statutes, commonly known as "The Grid Bill", gives the Florida Service Commission responsibility ". . . over the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure an adequate and reliable source of energy for operational and emergency purposes in Florida and the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities." By the authority of this statute, the Commission has the jurisdiction to investigate Tampa Electric Company's proposed 69 KV transmission line to determine whether the proposed line comports with the purposes of the Grid Bill. The Commission has the authority to grant such appropriate relief as that determination may require.

ISSUE 2: Is the construction of an additional 69 kV transmission line necessary to provide adequate and reliable electrical service to the cities of Fort Meade and Wauchula now or in the foreseeable future?

FPC: No. There is no need for an additional 69 kV transmission line to serve the cities of Fort Meade and Wauchula, because the existing Florida Power Corporation 69 kV transmission facilities serving those cities are adequate and reliable and will be capable of providing adequate and reliable electrical service to the cities for the foreseeable future.

TECO: This issue should not be addressed in this proceeding and is improperly stated. It is redundant with Issue No. 3.

The petition filed in this proceeding cites as its authority the Grid Law, Section 366.04(5), Florida Statutes. That section of the statutes does not speak in terms of "necessary" in the sense of whether facilities are essential for the transmission of power from point A to point B. Instead, this section grants the Commission jurisdiction to accomplish two objectives: (1) assurance of an adequate and reliable source of energy for operational and emergency purposes in Florida, and (2) avoidance of further uneconomic duplication of generation, transmission and distribution facilities. The statute's first prong focuses on meeting a minimum level of facilities to assure an adequate and reliable source of energy. The second prong is to assure the avoidance of further uneconomic duplication of generation, transmission and distribution facilities. In short, the Grid Law for purposes of this case does not establish a "necessary" test which is separate and distinct from the "uneconomic duplication" standard set forth in the Grid Law. This Issue 2, therefore, should be ignored or interpreted as raising the same issue as that formulated in Issue No. 3, and not one that is separate and distinct.

When applied to the facts of the instant case, Tampa Electric's 69 kV facilities do not constitute uneconomic duplication, as explained under Issue 3. (Ramil, Porter, Saddler, May)

FORT MEADE: Agree with Tampa Electric Company's position.

WAUCHULA: Agree with Tampa Electric Company's position.

STAFF: No position at this time.

ISSUE 3: Will Tampa Electric Company's planned 69 kV transmission line to the Cities of Wauchula and Fort Meade result in the unnecessary and uneconomic duplication of Florida Power Corporation's transmission facilities?

FPC:

Yes. Tampa Electric Company's planned 69 kV transmission line will result in the uneconomic duplication of the existing adequate and reliable 69 kV transmission facilities owned by Florida Power Corporation, because there is no need for additional transmission facilities to serve the two cities; and the costs of construction of the transmission line proposed by Tampa Electric Company is eight times the costs of obtaining transmission services via Florida Power's existing transmission facilities.

TECO:

No, but the issue should not be addressed at this time. In essence, this issue is one of prudence which the Commission routinely addresses in the context of full rate proceedings and which need not be addressed at this time for reasons discussed in Tampa Electric's response to Issue 4.

Nevertheless, should the Commission address this issue, it should conclude that Florida Power Corporation has failed to demonstrate that Tampa Electric's 69 kV project to serve the two Cities will be an uneconomic duplication. The transmission line is essential to the wholesale power supply agreements between Tampa Electric and the Cities of Fort Meade and Wauchula. Had Tampa Electric not agreed to construct the transmission line, and thereby lost the opportunity to serve these wholesale Customers, such result would have been very uneconomic from the standpoint of Tampa Electric's retail Customers. Florida Power has presented nothing more than speculation as to any impact which the construction of the transmission line may have from the standpoint of Florida Power or its customers. Tampa Electric's new 69 kV line provides a level of alternative service (contracted for by Fort Meade and Wauchula) which could not be provided by Florida Power's facilities. (Ramil, Porter, Saddler and May)

FORT MEADE:

Agree with Tampa Electric Company's position.

WAUCHULA:

Agree with Tampa Electric Company's position.

STAFF:

No position at this time.

ISSUE 4:

If the Commission has jurisdiction and decides to exercise its jurisdiction in this matter at this time and further finds Tampa Electric Company's planned 69 kV transmission line to be an uneconomic duplication of Florida Power Corporation's existing transmission facilities, what action or actions, if any, should the Commission take?

FPC:

If the Commission finds Tampa Electric Company's planned 69 kV transmission line to be uneconomic duplication of Florida Power's existing transmission facilities, the Commission should enjoin Tampa Electric Company from constructing the line to assure the avoidance of uneconomic duplication of transmission facilities, as required by the "Grid Law" to protect the retail customers of Tampa Electric Company and Florida Power Corporation.

TECO:

The Commission should take no action whether or not it addresses the issue of uneconomic duplication in this proceeding.

The Commission should not decide the issue of uneconomic duplication at this time. As a matter of administrative efficiency, it should avoid opening the floodgates of adversarial proceedings as disappointed losers in competitive situations as well as ratepayers and their representatives seek to overturn the outcome of competitively bid transactions.

The Transmission Line Siting Act represents the expression on the part of the Legislature that the Commission should confine its need determinations to transmission lines "designed to operate at 230 kilovolts or more." Section 403.522(21), Florida Statutes. This decision by the Legislature should be respected by the Commission as guidance on the appropriate allocation of its administrative time. This avoidance of micro management, which is encouraged by the Siting Act, is analogous to the absence of any requirement for preconstruction approval by the Commission of generation facilities below 75 megawatts.

The Commission should also refrain from exercising jurisdiction for policy reasons as well as administrative. It faces for the first time the issue of interpreting the applicability of the Grid Bill to wholesale competitive markets. The focus of the Grid Bill, however, is on the retail jurisdiction, not wholesale transactions.

The Grid Bill refers to the dual objectives of providing adequate and reliable sources of energy and avoiding "further uneconomic duplication" of facilities. The word "further" clearly focuses on the retail jurisdiction and the avoidance of duplicate facilities serving retail customers -- i.e., the type of issues confronted during the "range wars" over retail territories that took place prior to its enactment. The statute when enacted did not contemplate and does not address the competition in the wholesale markets which has subsequently arisen.

The Commission should recognize in this period of developing wholesale competition that it should not choke off this competition which will further the interests of all the retail ratepayers in this state by facilitating a lower cost of power. It should not interpose itself, when it is not required to do so, to determine who the winner should be in a competitive process -- particularly at the instance of the losing competitor -- because this activity will destroy the very competition sought to be encouraged. The Commission, therefore, should allow itself more time to observe the developing competitive markets in Florida -- particularly given significant proceedings at the federal level which are in need of the Commission's studied responses.

In short, the Commission should not attempt to micro manage the emerging wholesale competitive markets or the construction of transmission at lower voltage levels just as it does not micro manage smaller capacity generation additions. Prudency reviews in general rate cases provide more than ample protections for the public interest. As noted earlier, it will also embroil the Commission in endless controversy at the instance of other losing competitors and individual

ratepayers in this state. As a matter of administrative convenience and policy, the Commission should, therefore, devote its limited resources to other areas. The Commission's involvement in the matters raised in this case should take the form of prudence reviews during general rate cases, which is the tool the Commission now uses to protect the public interest while avoiding the direct management by the Commission of utility operations. (Ramil)

FORT MEADE: Agree with Tampa Electric Company's position.

WAUCHULA: Agree with Tampa Electric Company's position.

STAFF: No position at this time.

**STIPULATED
ISSUE 5:**

If the Commission permits Tampa Electric Company to construct the transmission line, what additional rights, if any, would TECO acquire to serve retail customers in Florida Power Corporation's service territory?

POSITION: If the Commission permits Tampa Electric Company to construct the transmission line, Tampa Electric Company would acquire no additional rights to serve retail customers in Florida Power's service territory.

VII. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>FPC</u> Nixon	FPC	<u>(SFN-1)</u>	FPC T-1 Tariff
Bischoff	FPC	<u>(BMB-1)</u>	City of Fort Meade Request for Proposals No. 92-05 (Mar. 17, '92)
Bischoff	FPC	<u>(BMB-2)</u>	Smith & Gillespie Letter (July 29, 1992)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Bischoff	FPC	<u>(BMS-3)</u>	City of Fort Meade Supplemental No. 1, Request Proposals (Oct. 9, 1992)
Bischoff	FPC	<u>(BMB-4)</u>	City of Fort Meade Evaluation Committee Working Paper (Dec. 1, 1992)
Bischoff	FPC	<u>(BMB-5)</u>	TECO Agreement for Partial Requirements Electric Service for Resale to the City of Fort Meade
Bischoff	FPC	<u>(BMB-6)</u>	Smith & Gillespie Letter (Nov. 25, 1992)
Bischoff	FPC	<u>(BMB-7)</u>	TECO Letter (Dec. 1, 1992)
Bischoff	FPC	<u>(BMB-8)</u>	City of Fort Meade Evaluation Committee Final Working Paper "Phase 2-Background and Detail" (Dec. 7/Dec 8, 1992)
Bischoff	FPC	<u>(BMB-9)</u>	Florida Power Letter (Feb. 19, 1991)
Bischoff	FPC	<u>(BMB-10)</u>	First Amendment to Contract for Interchange Service Between TECO and City of Wauchula
Stillwagon	FPC	<u>(DRS-1)</u>	Map of the Local System Showing Ownership and Voltage of Facilities
Stillwagon	FPC	<u>(DRS-2)</u>	Map of the FPC Local 1995 System: Showing Location of Cogenerators and Future FPC Facilities
Stillwagon	FPC	<u>(DRS-3)</u>	Table of Future Loads for the Cities of Fort Meade and Wauchula

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Stillwagon	FPC	<u>(DRS-4)</u>	TECO Sketch showing proposed transmission line
Stillwagon	FPC	<u>(DRS-5)</u>	Map DRS-2 with the TECO Proposed Transmission Added
Stillwagon	FPC	<u>(DRS-6)</u>	Loadflow Plot of the Proposed 1995 Transmission System
Stillwagon	FPC	<u>(DRS-7)</u>	Map Showing TECO and FPC Retail Service Territory and Proposed TECO 69 kV Line
Stillwagon	FPC	<u>(DRS-8)</u>	Map Showing State Electric System in 1955
Stillwagon	FPC	<u>(DRS-9)</u>	Map of the 1926 Florida Georgia Electric System
Parente	FPC	<u>(RBP-1)</u>	Table RBP-1, "Conductor Capacity: FPC's Existing Transmission Facilities
Parente	FPC	<u>(RBP-2)</u>	Figure RBP-2, "FPC's Existing Transmission Facilities to Service the Cities of Wauchula and Fort Meade
Parente	FPC	<u>(RBP-3)</u>	FPC's Response to Staff's First Set of Interrogatories to Florida Power Corporation (Nos. 1-2)
Parente	FPC	<u>(RBP-4)</u>	Figure RBP-4, "TECO's Proposed Transmission Facilities to serve the Cities of Wauchula and Fort Meade

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Pollock	FPC	<u>(JP-1)</u>	Tampa Electric Company Reduction in Retail Revenue Requirements due to direct Transmission Service to the Cities of Fort Meade and Wauchula (Year Ending December 31, 1994)
Pollock	FPC	<u>(JP-2)</u>	Tampa Electric Company: Derivation of the Jurisdictional Separation Factor Applicable to Common Subtransmission Plant (Year Ending December 31, 1994)
Pollock	FPC	<u>(JP-3)</u>	Tampa Electric Company: Derivation of a Revised Jurisdictional Separation Factor Applicable to Common Subtransmission Plant Including Projected Sales to the Cities of Fort Meade and Wauchula (Year Ending December 31, 1994)
Pollock	FPC	<u>(JP-4)</u>	Tampa Electric Company: Revenue Requirements of Fort Meade - Wauchula Transmission Line
Pollock	FPC	<u>(JP-5)</u>	Page 2 of Tampa Electric Company's Response to Staff's 1st Set of Interrogatories, No. 1b: "Financial Assumptions"
Pollock	FPC	<u>(JP-6)</u>	Tampa Electric Company: Other Retail Revenue Requirements Associated with the Addition of Proposed Transmission Line

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Pollock	FPC	<u>(JP-7)</u>	Tampa Electric Company: Levelized Annual Revenue Requirements of Ft. Meade and Wauchula Transmission Line
Pollock	FPC	<u>(JP-8)</u>	Tampa Electric Company: Corrected Cost-Benefit Analysis of Fort Meade- Wauchula 69kV Transmission Project
<u>TECO</u> Porter	TECO	<u>(TLP-1)</u>	Existing Florida Power and proposed Tampa Electric connections to Fort Meade and Wauchula; existing connected loads; available line capacities
Ramil	TECO	<u>(JBR-1)</u>	Correspondence and other documentation supporting Tampa Electric's agreement to construct 69 kV transmission line
<u>STAFF</u> Meyer	STAFF	<u>-----</u> (WHM-1)	Stipulated Separation and Cost of Service Study - Late Filed Exhibits 98 and 99 in Docket No. 920324-EI, pps. 1-68

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PROPOSED STIPULATIONS

The parties have stipulated to Issue 5. The parties have also agreed that the direct testimony, deposition testimony and exhibits of Ms. Bischoff may be entered into the record.

IX. PENDING MOTIONS

There are no motions pending at this time.


X. RULINGS

The parties' Motion for Approval of a Stipulation regarding Ms. Bischoff's direct testimony, deposition and exhibits is granted. All other motions concerning discovery have been resolved by the parties and withdrawn.

It is therefore,

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 15TH day of MARCH, 1994.


Asst. To J. TERRY DEASON, Chairman
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),

ORDER NO. PSC-94-0296-PHO-EI
DOCKET NO. 930676-EI
PAGE 20

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.