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PUBLIC COUNSEL

# STATE OF FLORIDA OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, Florida 32399-1400 904-488-9330 (90)

February 6, 1995

Ms. Blanca S. Bayo, Director Division of Records and Reporting Florida Public Service Commission 101 E. Gaines Street Tallahassee, FL 32399-0863

RE: Docket No. 950001-EI

Dear Ms. Bayo:

Enclosed please find the original and fifteen (15) copies of the Public Counsel's Preliminary List of Issues and Positions for filing in the above-referenced dockets.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

NON THE RECORDS

Sincerely,

John Roger Howe Deputy Public Counsel

JRH/<del>bg</del>m Enclosures

DOCUMENT NUMBER-DATE

01339 FEB-6 #

FPSC-RECORDS/REPORTING

The Office of Public Counsel hereby submits its preliminary list of issues and positions.

# GENERIC FUEL ADJUSTMENT ISSUES

What are the appropriate final fuel adjustment true-up amounts for the period April 1994 through September 1994? ISSUE 1:

#### POSITION:

FPC:

FPL: FPUC:

No position at this time.
No position at this time.
Fernandina: No position at this time.
Marianna: No position at this time.
No position at this time.
No position at this time. GPC: TECO:

ISSUE 2: What are the estimated fuel adjustment true-up amounts for the period October 1994 through March 1995?

### POSITION:

FPC:

No position at this time.
No position at this time.
Fernandina: No position at this time.
No position at this time.
No position at this time.
No position at this time. FPUC:

TECO:

1

DOCUMENT HUMBER-DATE

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FPSC-RECORDS/REPORTING

ISSUE 3: What are the total fuel adjustment true-up amounts to be collected during the period April 1995 through September 1995?

### POSITION:

FPC:

FPUC:

No position at this time.
No position at this time.
Fernandina: No position at this time.
Marianna: No position at this time.
No position at this time.
No position at this time.

TECO:

What are the appropriate levelized fuel cost recovery factors for the period April 1995 through September 1995? ISSUE 4:

#### POSITION:

FPC: FPL:

No position at this time.
No position at this time.
Fernandina: No position at this time.
Marianna: No position at this time.
No position at this time.
No position at this time. GPC:

TECO:

Should the Commission continue to allow electric utilities to retain 20% of the gain on economy NEW ISSUE: sales?

### OPC'S POSITION:

No. The Commission should stop this practice because it exceeds the Commission's jurisdic-tion. Economy sales between electric utilities tion. Economy sales between electric utilities are wholesale transactions subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC). Only FERC can approve the terms and conditions for economy sales, and only FERC can approve the pricing arrangement which determines the amount of the gain to the selling utility. The Commission's practice of requiring electric utilities to reduce retail fuel and purchased power expenses by only 80% of the gain allows the utilities to earn an additional 20% on economy sales above the amount allowed by FERC. The Commission's jurisdiction, however, is limited to retail rates and retail service; it has no jurisdiction to provide an additional return on wholesale sales subject to the FERC's jurisdiction.

Respectfully submitted,

Jack Shreve Public Counsel

John Roger Howe Deputy Public Counsel

Office of Public Counsel c/o The Florida Legislature 111 West Madison Street Tallahassee, FL 32399-1400

(904) 488-9330

Attorneys for the Citizens of the State of Florida

## CERTIFICATE OF SERVICE DOCKET NO. 950001-EI

I HEREBY certify that a copy of the foregoing PRELIMINARY LIST OF ISSUES AND POSITIONS, has been served by \*hand delivery or U.S. mail to the following parties of record on this 6th day of February, 1995.

JAMES A. McGEE, ESQUIRE GERALD A. WILLIAMS, ESQUIRE Florida Power Corporation P.O. Box 14042 St. Petersburg, FL 33733

SUZANNE BROWNLESS, ESQUIRE Suzanne Brownless, P.A. 2546 Blairstone Pines Drive Tallahassee, FL 32301

JOSEPH A. McGLOTHLIN, ESQUIRE VICKI GORDON KAUFMAN, ESQUIRE McWhirter, Reeves, McGlothlin, Davidson & Bakas 315 South Calhoun Street Suite 716 Tallahassee, Fl 32301

JOHN W. McWHIRTER, JR., ESQUIRE McWhirter, Reeves, McGlothlin, Davidson & Bakas P.O. Box 3350 Tampa, FL 33601

RICHARD A. ZAMBO, ESQUIRE Richard A. Zambo, P.A. 598 S. W. Hidden River Avenue Palm City, FL 34990

STEPHEN R. YUREK, ESQUIRE Dahlen, Berg & Co. 2150 Dain Bosworth Plaza 60 South Sixth Street Minneapolis, MN 55402 MARTHA CARTER BROWN, ESQUIRE\*
Division of Legal Services
Florida Public Service
Commission
101 E. Gaines Street
Tallahassee, FL 32399-0863

LEE L. WILLIS, ESQUIRE

JAMES D. BEASLEY, ESQUIRE

Macfarlane, Ausley, Ferguson,

& McMullen

P.O. Box 391

Tallahassee, FL 32302

P.O. Box 596
Berkeley Springs, WV 25411

MATTHEW M. CHILDS, ESQUIRE Steel Hector & Davis 215 S. Monroe St., Suite 601 Tallahassee, FL 32301-1804

G. EDISON HOLLAND, JR., ESQUIRE JEFFREY A. STONE, ESQUIRE TERESA E. LILES, ESQUIRE Beggs & Lane P.O. Box 12950 Pensacola, FL 32576-2950

FLOYD R. SELF, ESQUIRE
Messer, Vickers, Caparello,
Madsen, Lewis, Goldman & Metz
P.O. Box 1876
Tallahassee, FL 32302-1876

RICHARD J. SALEM, ESQUIRE MARIAN B. RUSH, ESQUIRE Salem, Saxon & Nielsen, P.A. 101 E. Kennedy Boulevard Suite 3200, One Barnett Plaza P.O. Box 3399 Tampa, FL 33601

MR. RUSSELL D. CHAPMAN, ESQUIRE Administrator, Support Services Tampa Electric Company P.O. Box 411 Tampa, FL 33601 PETER J.P. BRICKFIELD, ESQUIRE Brickfield, Burchette & Ritts, P.C. 1025 Thomas Jefferson St., N.W. Eighth Floor, West Tower Washington, DC 20007

ROGER YOTT Air Products & Chemicals 7540 Windsor Drive, Suite 301 Allentown, PA 18195

John Roger Howe Deputy Public Counsel