

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 1997 depreciation study
by Florida Power & Light
Company.

DOCKET NO. 971660-EI
ORDER NO. PSC-99-0958-FOF-EI
ISSUED: May 11, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTESTS
OF FLORIDA INDUSTRIAL POWER USERS GROUP
AND COALITION FOR EQUITABLE RATES

BY THE COMMISSION:

Florida Power and Light Company (FPL) filed its regular quadrennial depreciation study on December 26, 1997. By Order No. PSC-98-0901-PCO-EI issued July 6, 1998, in this Docket, FPL was authorized to begin implementing its proposed depreciation rates and amortization/recovery schedules on a preliminary basis effective January 1, 1998, in accordance with Rule 25-6.0436(5), Florida Administrative Code. The Docket remained open pending review and our action concerning the appropriate depreciation rates and recovery schedules under consideration.

By Order No. Order No. PSC-99-0073-FOF-EI, issued on January 8, 1999, we approved, as proposed agency action, recommended depreciation rates and amortization/schedules for FPL to be implemented January 1, 1998. Subsequently, the Florida Industrial Power Users Group (FIPUG) and the Coalition for Equitable Rates (Coalition) filed timely protests to the proposed agency action. On February 18, 1999, FPL filed a Motion to Dismiss (Motion) both protests. On March 2, 1999, FIPUG and the Coalition filed responses to FPL's motion.

On March 10, 1999, the parties in Docket No. 990067-EI, In Re: Petition for a Full Revenue Requirements Rate Case for Florida Power & Light Company, filed a Joint Motion for Approval of Stipulation and Settlement together with the Stipulation and

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Settlement (Stipulation). By Order No. PSC-99-0519-AS-EI issued March 17, 1999, the Stipulation was approved. Pursuant to paragraph 8 of the Stipulation, FIPUG's and the Coalition's protests of Order No. PSC-99-0073-FOF-EI are withdrawn. In addition, on April 19, 1999, the Coalition filed a Notice Of Voluntary Dismissal from this Docket. On April 22, 1999, FIPUG filed a Notice Of Withdrawal Of Protest of this Docket. This Order addresses the status of Order No. PSC-99-0073-FOF-EI.

Order No. PSC-99-0073-FOF-EI shall be final and effective. With approval of the Stipulation by Order No. PSC-99-0519-AS-EI in Docket No. 990067-EI, the protests of FIPUG and the Coalition in the instant docket were withdrawn. Order No. PSC-99-0073-FOF-EI is therefore final and effective as of the date of the our vote on the matter, March 16, 1999.

In accordance with the Stipulation and pleadings filed by the intervenors, the protests of FIPUG and the Coalition are withdrawn. As such, FPL's Motion To Dismiss is rendered moot. Order No. PSC-99-0073-FOF-EI shall therefore be final and effective as of April 20, 1999.

Based on the foregoing, it is

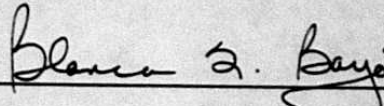
ORDERED by the Florida Public Service Commission that Order No. PSC-99-0073-FOF-EI shall be final and effective as of March, 16, 1999. It is further

ORDERED that Florida Power & Light Company's Motion To Dismiss is moot. It is further

ORDERED that this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 11th
day of May, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

LJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.