

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
Determination of Need for an
Electrical Power Plant in
Okeechobee County by Okeechobee
Generating Company, L.L.C

DOCKET NO. 991462-EU
ORDER NO. PSC-99-2153-PCO-EU
ISSUED: November 4, 1999

ORDER GRANTING PETITIONS TO INTERVENE
AND DENYING MOTION TO STRIKE

By separate petitions, the Legal Environmental Assistance Foundation, Inc. (LEAF), Tampa Electric Company (TECO), Florida Power Corporation (FPC), and Florida Power & Light Company (FPL) have requested permission to intervene in this proceeding, each alleging that its substantial interests will be determined or affected by the outcome of this proceeding. In support of its petition, LEAF states that it is a public interest organization whose corporate purposes include protection of public health and the environment. LEAF asserts that the Commission's action in this proceeding will affect its substantial interests because it will influence the environmental and health impacts of meeting Florida's energy service needs. In support of their petitions, TECO, FPC, and FPL essentially assert that the Commission's action in this proceeding will affect their substantial interests because granting the petition for need will affect their ability as individual utilities to plan, certify, build, and operate transmission and generation facilities necessary to meet their service obligations and the needs of their customers.

Petitioner, Okeechobee Generating Company, L.L.C. (Okeechobee), filed a motion to strike certain portions of FPL's petition to intervene. Okeechobee asserts that certain portions of FPL's petition to intervene contain allegations and legal arguments concerning the merits of Okeechobee's petition and therefore should be stricken as irrelevant to FPL's petition to intervene. In its motion, Okeechobee does not contest FPL's standing to intervene. FPL filed a memorandum in opposition to Okeechobee's motion to strike, asserting, in part, that the contested portions of its petition to intervene are required by rule and help establish FPL's substantial interests in this proceeding. Okeechobee did not file responsive pleadings to the intervention petitions of LEAF, TECO, or FPC.

Upon review of the above-mentioned pleadings, I find that the petitions of LEAF, TECO, FPC, and FPL to intervene in this proceeding should be granted. Further, I find that Okeechobee's

DOCUMENT NUMBER-DATE

13583 NOV-4 99

FPSC-RECORDS/REPORTING

DOCKET NO. 991462-EU
ORDER NO. PSC-99-2153-PCO-EU
PAGE 2

motion to strike should be denied. This ruling on the motion to strike is not intended to prejudge any factual allegations or legal arguments raised in the above petitions to intervene as they relate to the merits of Okeechobee's petition. Factual and legal arguments concerning the merits of Okeechobee's petition shall be heard and ruled upon at the appropriate time in this proceeding.

Having considered all of the above-mentioned pleadings, it is hereby

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the petitions to intervene filed by the Legal Environmental Assistance Foundation, Inc., Tampa Electric Company, Florida Power Corporation, and Florida Power & Light Company are hereby granted. It is further

ORDERED that Okeechobee Generating Company, L.L.C.'s motion to strike portions of Florida Power & Light Company's petition for leave to intervene is denied. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Gail Kamaras, Esquire, and Debra Swim, Esquire, Legal Environmental Assistance Foundation, 1114 Thomasville Road, Suite E, Tallahassee, Florida 32303, on behalf of Legal Environmental Assistance Foundation;

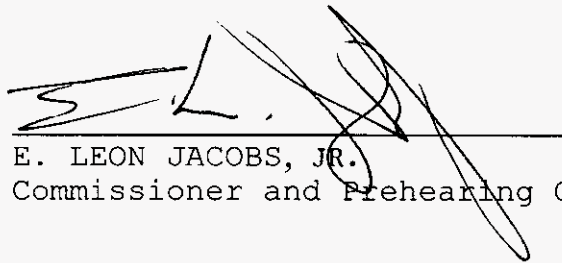
Lee L. Willis, Esquire, and James D. Beasley, Esquire, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302, on behalf of Tampa Electric Company;

James A. McGee, Esquire, Florida Power Corporation, Post Office Box 14042, St. Petersburg, Florida 33733-4042, and Gary L. Sasso, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., Post Office Box 2861, St. Petersburg, Florida 33731, on behalf of Florida Power Corporation; and

Matthew M. Childs, Esquire, P.A., and Charles Guyton, Esquire, Steel Hector & Davis LLP, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301, on behalf of Florida Power & Light Company.

DOCKET NO. 991462-EU
ORDER NO. PSC-99-2153-PCO-EU
PAGE 3

By ORDER of Commissioner E. Leon Jacobs, as Prehearing Officer, this 4th day of November, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

WCK/TRC

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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

DOCKET NO. 991462-EU
ORDER NO. PSC-99-2153-PCO-EU
PAGE 4

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.