



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power  
cost recovery clause and  
generating performance incentive  
factor.

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Docket No. 000001-EI

Filed: November 14, 2000

**Response to Florida Industrial Power Users Group's Motion for Oral Argument  
and to Strike Testimony**

Florida Power and Light Company (FPL) hereby files this its Response to Florida Industrial Power Users Group's (FIPUG) Motion for Oral Argument and to Strike Testimony. The FIPUG Motion is incorrect as to its characterization of the substance of the Commissions proposed Agency Action, as to the legal effect of the filing of a protest and, as to the propriety of the commission addressing implementation in this docket.

FIPUG's Protest

Commission Order No. PSC-00-1744-PAA-SI ("the incentives order") did not address implementation as part of its Proposed Agency Action. The Incentives Order addressed three items in the PAA section of that order. These items were:

1. That the gain should be measured by subtracting the sum of the incremental cost of non-separated wholesale power sales from the revenue received from such sales.
2. That the calculation of incremental costs for these sales should include, but not be limited to incremental fuel cost, incremental SO2 emission allowance cost, incremental O&M cost, and separately-identified transmission capacity charges.
3. That an express regulatory treatment for revenues as set forth in the Incentives Order should be adopted.

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FPSC-RECORDS/REPORTING

Incentives Order at page 12

The Incentives Order went on to provide:

If a person whose substantial interests are affected by our proposed action in this portion of the order timely files a protest, the issue shall be addressed as part of our Fuel and Purchased Power Cost Recovery proceedings.

Setting aside the question whether FIPUG's "protest" of the Incentives Order was legally sufficient, that Order clearly provided that a timely protest would be addressed in the Fuel and Purchased Power Cost Recovery proceedings. The commission's PAA position of the Incentives Order can be addressed in this Docket and implementation, as addressed by Issues 9 and 10 need not be deferred as FIPUG proposes.

Wherefore, FPL files this its response to FIPUG's Motion for Oral Arguments and to Strike and submits that the Motion to Strike should be denied.

DATED this the 14<sup>th</sup> day of November, 2000.

Respectfully submitted,

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By:   
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**CERTIFICATE OF SERVICE  
DOCKET NO. 000001-EI**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Response to Florida Industrial Power Users Group's Motion for Oral Argument and to Strike Testimony has been furnished by Hand Delivery (\*), or U S. Mail this 14<sup>TH</sup> day of November, 2000, to the following:

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