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ORIGINAL

November 2, 2001

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Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 010001-EI

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of a Motion to Defer Consideration of Issues for filing in the above-referenced docket.

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.

Sincerely,

Robert D. Vandiver
Associate Public Counsel

RDV/dsb

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Enclosures

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DOCUMENT NUMBER-DATE
13897 NOV-26
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)
Cost Recovery Clause with)
Generating Performance Incentive)
Factor)
_____)

DOCKET NO. 010001-EI
FILED: November 2, 2001

MOTION TO DEFER CONSIDERATION OF ISSUES

The Citizens of the State of Florida (hereinafter "Citizens") by and through their attorney, the Office of Public Counsel (hereinafter "OPC"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this Motion to Defer Consideration of Issues in the above styled case. OPC submits:

1. On September 11, 2001, the Prehearing Officer issued Order No. PSC-01-1829-PCO-EI, denominated SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE. Attached to said Order were a number of issues that parties were directed to address in prefiled testimony.
2. Included among the issues to be addressed were issues 11-14, 18A, and 19D which concerned the subject of hedging. Hedging is a practice to reduce risk of fuel price volatility. The exact parameters of what constitutes a proper hedging strategy for each individual utility is a complex calculus and should be given careful consideration by the Commission.
3. OPC submits that the Commission would be better served by deferral of these important issues to gather more information. Limited testimony has been filed upon the issues. See Supplemental testimony of G. Yupp filed September 20, 2001 at pages 2 - 6; Direct testimony of Pamela R. Murphy filed September 20, 2001 at pages 5 - 7; Supplemental Direct Testimony of Javier Portuondo filed September 20, 2001 at pages 2-3; Direct Testimony of Denise Jordan filed September 20, 2001 at 12 - 14; Direct Testimony of W. Lynn Brown filed September 20, 2001 at 9 - 11; Direct

DOCUMENT NUMBER-DATE

13897 NOV-20

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Testimony of Joann T. Wehle filed September 20, 2001 at 4 - 6; Direct Testimony of Richard J. McMillan filed September 20, 2001 at 2 - 3; Direct Testimony of M.W. Howell filed September 20, 2001 at page 8.

4. At the depositions of witness Yupp, Witness Jordan, Witness Brown, Witness Howell and Witness Portuondo, OPC posed the question whether their respective employers would object to a deferral of “hedging issues” to a 2002 timeframe to allow the Florida Public Service Commission more time to consider the issue. None of these witnesses voiced an objection to deferral of these issues on behalf of their respective companies.¹

5. The impending release of the consultant report referenced in Mr. Yupp’s testimony is particularly significant. Given that this report addresses many hedging issues it would appear prudent to get the benefit of that study prior to making any final decisions concerning the hedging issues.

6. OPC believes that the hedging issues could be addressed within the 2002 fuel docket, in a workshop context, or in a proceeding which is “spun-off” of the fuel proceedings in the Commission’s discretion. The point is that more time on implementation and the consequences thereof would serve the public interest.

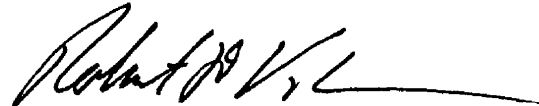
7. OPC has contacted all parties and is authorized to state that no party has an objection to the deferral of issues 11-14, 18A, and 19D to the 2002 timeframe.

¹As of the writing of this motion, movant does not possess deposition transcripts.

WHEREFORE, OPC respectfully requests that the Commission defer consideration of Issues 11 - 14 identified in Order No. PSC-01-1829-PCO-EI, issued September 11, 2001, until such time as the Commission deems appropriate.

Respectfully submitted,

Jack Shreve
Public Counsel

A handwritten signature in black ink, appearing to read "Robert D. Vandiver", with a long horizontal flourish extending to the right.

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Attorneys for the Citizens
of the State of Florida

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

I HEREBY certify that a copy of the foregoing MOTION TO DEFER CONSIDERATION OF ISSUES has been served by *hand delivery or U.S. Mail to the following parties of record on this 1st day of November, 2001.

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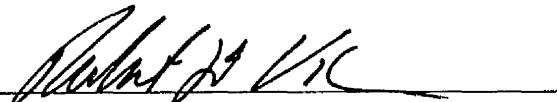
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