



Public Service Commission
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COMMISSION CLERK

DATE: JUNE 6, 2002
TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK ADMINISTRATIVE SERVICES (BAYÓ)
FROM: DIVISION OF ECONOMIC REGULATION (HARLOW) *JSH*
OFFICE OF THE GENERAL COUNSEL (STERN) *MKS* *WJF* *JDS*
RE: DOCKET NO. 010827-EI - PETITION BY GULF POWER COMPANY FOR APPROVAL OF PURCHASED POWER ARRANGEMENT REGARDING SMITH UNIT 3 FOR COST RECOVERY THROUGH RECOVERY CLAUSES DEALING WITH PURCHASED CAPACITY AND PURCHASED ENERGY.
AGENDA: 6/18/02 - REGULAR AGENDA - PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF
CRITICAL DATES: NONE
SPECIAL INSTRUCTIONS: NONE
FILE NAME AND LOCATION: S:\PSC\ECR\WP\010827.RCM

CASE BACKGROUND

On June 8, 2001, Gulf Power Company filed a Petition for approval of a purchased power agreement with Southern Power Company. The Office of Public Counsel and the Florida Industrial Power Users Group intervened in the proceeding. On August 27, 2001, Gulf filed a Notice of Voluntary Dismissal and/or Withdrawal of Petition and a Request for Immediate Return of Confidential Information Provided Pursuant to Discovery. At the September 18, 2001 Agenda Conference, the Commission voted to acknowledge the Notice and to defer Gulf's request for return of confidential information.

The purpose of this recommendation is dispose of the Request for Immediate Return of Confidential Information Provided Pursuant to Discovery. The Commission has jurisdiction over the subject

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matter pursuant to Sections 366.04, 366.05, 366.06, and 366.093, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should Gulf's Request for Immediate Return of Confidential Information Provided Pursuant to Discovery be granted.

STAFF RECOMMENDATION: The Commission should find that the Request is rendered moot because the appropriate documents have been returned to Gulf. (STERN)

STAFF ANALYSIS: At the September 18, 2001 Agenda Conference the parties and staff opposed the granting of Gulf's Request for a variety of reasons. The Commission deferred voting on the Request and asked the parties to attempt to resolve the issues informally, which they have done. Gulf informed Commission staff that it has received all the documents it deems necessary. Because the documents have been returned to Gulf, the Request is rendered moot.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: This docket should be closed 32 days after the issuance of the order to allow the time for filing an appeal to run.

STAFF ANALYSIS: This docket should be closed 32 days after the issuance of the order to allow the time for filing an appeal to run.