

**CCA Official Filing:  
6/7/02\*\*\*\*\*11:13 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

---

**From:** Mary Anne Helton  
**Sent:** Friday, June 07, 2002 11:13 AM  
**To:** Kay Flynn  
**Cc:** Marlene Stern  
**Subject:** RE: rec on 011622 (Peoples/WREC)

thanks

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Friday, June 07, 2002 11:13 AM  
**To:** Mary Anne Helton  
**Cc:** Harold McLean; Blanca Bayo; Sandy Moses; Rose Thompson  
**Subject:** RE: rec on 011622 (Peoples/WREC)

We'll change the wording on the agenda page from "Participation is limited to Commissioners and staff" to "Motion to Dismiss - interested persons may participate at Commission's discretion."

-----Original Message-----

**From:** Mary Anne Helton  
**Sent:** Friday, June 07, 2002 10:55 AM  
**To:** Kay Flynn  
**Cc:** Marlene Stern; Harold McLean; Shevie Brown; Bob Casey; Cheryl Bulecza-Banks; Connie Kummer  
**Subject:** RE: rec on 011622 (Peoples/WREC)

Kay, this is not a PAA rec, it is a legal issue rec on a motion to dismiss prior to hearing. I believe that the way we have been doing this is to include the following description next to the agenda date: **MOTION TO DISMISS - INTERESTED PERSONS MAY PARTICIPATE AT THE COMMISSION'S DISCRETION.** Can you please make this change on the agenda that goes out, and we will see about revising the rec.

-----Original Message-----

**From:** Mary Anne Helton  
**Sent:** Friday, June 07, 2002 10:34 AM  
**To:** Mary Anne Helton; Kay Flynn  
**Cc:** Marlene Stern; Harold McLean; Shevie Brown; Bob Casey; Cheryl Bulecza-Banks  
**Subject:** RE: rec on 011622 (Peoples/WREC)

Kay, I was thinking about a different rec when I sent you these e-mails. Let me do a little research, and I will get back to you. Thanks. I was thinking of the one where we are approving a conservation plan, and this is not that one.

-----Original Message-----

**From:** Mary Anne Helton  
**Sent:** Friday, June 07, 2002 10:28 AM  
**To:** Kay Flynn  
**Cc:** Marlene Stern; Harold McLean; Shevie Brown  
**Subject:** RE: rec on 011622 (Peoples/WREC)

Yes, if PAA is not in the front section, it should have been marked Proposed Agency Action.

**CCA Official Filing:**

**6/7/02\*\*\*\*\*11:13 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*2**

Marlene, please see about getting a correction to the rec made.

-----Original Message-----

From: Kay Flynn  
Sent: Friday, June 07, 2002 10:27 AM  
To: Mary Anne Helton  
Cc: Marlene Stern; Sandy Moses; Rose Thompson  
Subject: RE: rec on 011622 (Peoples/WREC)

Should the rec have been marked PAA rather than "limited participation"? (This assumes CASR is correct?)

-----Original Message-----

From: Mary Anne Helton  
Sent: Friday, June 07, 2002 10:25 AM  
To: Kay Flynn; Marlene Stern  
Cc: Sandy Moses; Rose Thompson; Cheryl Bulecza-Banks; Shevie Brown; Bob Casey  
Subject: RE: rec on 011622 (Peoples/WREC)

No, limited participation is not correct. With PAA recs, whoever wants to should be allowed to participate.

-----Original Message-----

From: Kay Flynn  
Sent: Friday, June 07, 2002 10:23 AM  
To: Kay Flynn; Marlene Stern; Mary Anne Helton  
Cc: Sandy Moses; Rose Thompson  
Subject: RE: rec on 011622 (Peoples/WREC)  
Importance: High

Mary Anne, I have not received a reply from Marlene and am wondering if she's out today. Can you answer the question below?

Kay

P.S. Need asap since we're getting ready to issue ag. Thanks.

-----Original Message-----

From: Kay Flynn  
Sent: Friday, June 07, 2002 9:46 AM  
To: Marlene Stern  
Cc: Sandy Moses; Rose Thompson  
Subject: rec on 011622 (Peoples/WREC)

Marlene, good morning....this rec indicates limited participation, but I see the CASR calls for a PAA order. Is limited participation correct?

Kay



ORIGINAL

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

**DATE:** June 7, 2002  
**TO:** Dr. Mary Bane, Executive Director  
**FROM:** Marlene Stern, Office of the General Counsel *MKS Nat*  
**RE:** Revision to Item 7 of the June 18, 2002 Agenda, Docket No. 011622-EG

DOCUMENT NUMBER-DATE

05973 JUN-7 02

FPSC-COMMISSION CLERK

Staff would like permission to revise the recommendation filed in Docket No. 011622-EG, which is Item 7 of the June 18, 2002 Agenda. The first page of the recommendation states that participation is limited to Commissioners and staff. The recommendation addresses a Motion to Dismiss, and to be consistent with Commission practice, the recommendation should say that interested persons may participate at the Commission's discretion. The proposed change is shown in the Attachment to this memo.

*OK  
 MMS  
 6/7/02*

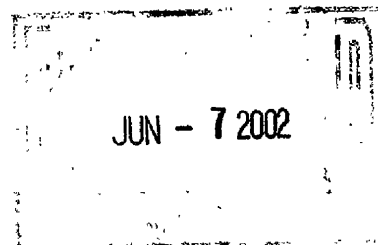
Attachment

- cc: Chairman Jaber  
 Commissioner Baez  
 AUS \_\_\_\_\_ Commissioner Bradley  
 CAF \_\_\_\_\_ Commissioner Deason  
 CMP \_\_\_\_\_ Commissioner Palecki  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_ Kay Flynn  
 ECR \_\_\_\_\_ Harold McLean  
 GCL \_\_\_\_\_ Connie Kummer  
 OPC \_\_\_\_\_ Cheryl Bulecza-Banks  
 MMS \_\_\_\_\_  
 SEC   1    
 OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

05973 JUN-7 02

FPSC-COMMISSION CLERK



State of Florida



**Public Service Commission**  
 CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
 TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** JUNE 6, 2002

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** OFFICE OF THE GENERAL COUNSEL (STERN)  
 DIVISION OF ECONOMIC REGULATION (KUMMER)  
 DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT (BULECZA-BANKS, WRIGHT, BROWN)

**RE:** DOCKET NO. 011622-EG - PETITION BY TAMPA ELECTRIC COMPANY D/B/A PEOPLES GAS SYSTEM FOR DETERMINATION THAT RATE STRUCTURE OF WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE, INC. IS DISCRIMINATORY, INTERFERES WITH APPROVED ENERGY CONSERVATION PROGRAMS, AND IS CONTRARY TO THE LEGISLATIVE INTENT OF THE FLORIDA ENERGY EFFICIENCY AND CONSERVATION ACT.

**AGENDA:** 06/18/02 - REGULAR AGENDA - ~~PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF~~ MOTION TO DISMISS - INTERESTED PERSONS MAY PARTICIPATE AT THE COMMISSION'S DISCRETION

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\011622.RCM

**CASE BACKGROUND**

On December 5, 2001, Peoples Gas System petitioned for a determination that the rate structure of Withlacoochee River Electric Cooperative (WREC) is unduly discriminatory, interferes with Peoples' conservation programs, and is contrary to the legislative intent of the Florida Energy Efficiency and Conservation Act (FEECA).

Peoples is a public utility that owns and operates a natural gas distribution system throughout most of Florida. WREC owns and operates an electric distribution system, and provides retail