

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of investor-owned electric utilities' risk management policies and procedures.

DOCKET NO. 011605-EI
ORDER NO. PSC-02-0854-PCO-EI
ISSUED: June 21, 2002

ORDER ADDING NEW ISSUE IDENTIFIED AT WORKSHOP
AND SHORTENING DISCOVERY RESPONSE TIME

By Order No. PSC-02-0192-PCO-EI ("Order Establishing Procedure"), issued February 12, 2002, procedural guidelines, a tentative list of issues, and controlling dates were established for this docket. By Order No. PSC-02-0428-PCO-EI, issued March 28, 2002, the tentative list of six issues was expanded to seven. The tentative list of issues was again expanded by Order No. PSC-02-0821-PCO-EI, issued June 14, 2002. At the June 17, 2002, Commission workshop, the Commission identified another issue for its consideration at the August 12, 2002, hearing. Accordingly, the parties should address the following additional issue in their pre-filed testimony:

ISSUE 7B: If the Commission were to approve any utility's incentive plan for optimally managing fuel price risk which includes a change in the method for calculating shareholder gains on wholesale sales as specified in Order Nos. PSC-00-1744-PAA-EI and PSC-01-2371-FOF-EI, what changes, if any, should be made to the requirements of these orders?

Because of the number of the above new issue, what has been identified as Issue 7 shall now be identified as Issue 7A:

ISSUE 7A: What incentive(s), if any, should the Commission establish to encourage investor-owned electric utilities to optimally manage the risks to ratepayers associated with fuel and purchased power price volatility?

Due to the volume of information expected in this docket and the schedule for the proceeding, it is reasonable to require an expedited discovery process. Consequently, for discovery served after June 21, 2002, all discovery responses shall be served within

DOCUMENT NUMBER - DATE

06430 JUN 21 02

FPSC-COMMISSION CLERK

DOCKET NO. 011605-EI
ORDER NO. PSC-02-0854-PCO-EI
PAGE 2

twenty (20) days of receipt of the discovery request. There shall be no extra time for mailing throughout the proceeding. Furthermore, in view of the shortened discovery response period, parties and Commission staff shall serve discovery requests by either express mail, facsimile, hand delivery, or e-mail.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.


Based upon the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that the tentative list of issues set forth in Order No. PSC-02-0192-PCO-EI in this docket, as modified by Order Nos. PSC-02-0428-PCO-EI and PSC-02-0821-PCO-EI is hereby modified as set forth in the body of this Order. It is further

ORDERED that the discovery response time is modified as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-02-0192-PCO-EI is affirmed in all other respects.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 21st day of June, 2002.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

MAH

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 the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.