

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power)	DOCKET NO. 910154-EI
Corporation for a limited pro-)	ORDER NO. 24566
ceeding to authorize a revenue)	ISSUED: 5/21/91
offset.)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING STIPULATION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On February 18, 1991, Florida Power Corporation (FPC) filed with this Commission a petition for a limited proceeding, pursuant to Section 366.076(1), Florida Statutes, to consider FPC's request for an increase in revenues to offset any additional depreciation expense that the Commission may approve relating to fossil fuel plant dismantlement costs developed in Docket No. 890186-EI. On March 4, 1991 the Office of Public Counsel (OPC) filed its notice of intervention and on March 6, 1991 filed a motion to dismiss FPC's petition. On April 5, 1991, the Florida Industrial Power Users Group (FIPUG) filed its petition to intervene in this proceeding. The Coalition of Local Governments (CLG) and the Florida Retail Federation (Federation) on April 16, 1991 filed their respective petitions to intervene. On April 12, 1991 all of the parties filed a joint motion for approval of stipulation (Appendix A attached to this order). In essence the stipulation provides that any additional increase in FPC's depreciation expense determined in Docket No. 890186-EI related to fossil fuel plant dismantlement cost, will be implemented in its next general rate proceeding, which FPC currently anticipates will occur in 1992.

Having reviewed the joint stipulation we find that it is in the public interest to approve the same.

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05090 MAY 21 1991

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It is therefore

ORDERED by the Florida Public Service Commission that the joint motion for approval of stipulation is approved, deferring the implementation of any additional increase in Florida Power Corporation's depreciation expense determined in Docket No. 890186-EI, relating to fossil fuel plant dismantlement cost, until its next general rate proceeding. It is further

ORDERED that this Commission hereby acknowledges the withdrawal of Florida Power Corporation's petition for a limited proceeding as provided for in joint stipulation. It is further

ORDERED that this Order shall become final and the docket closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this
21st day of MAY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MRC:bmi
910154s.bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that

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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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 11, 1991.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ATTACHMENT A
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION



In Re: Petition of Florida Power)
 Corporation for a limited proceeding)
 to authorize a revenue offset)

Docket No. 910154-EI
 Filed: April 12, 1991

JOINT MOTION FOR
APPROVAL OF STIPULATION

The Citizens of the State of Florida, by and through Jack Shreve, Public Counsel (Citizens), the Florida Industrial Power Users Group (FIPUG), the Florida Retail Federation (FRF), the Coalition of Local Governments (CLG), and Florida Power Corporation (Florida Power) (collectively, the Parties), hereby jointly move for approval of the stipulation set forth below in resolution of this proceeding and in support thereof, state as follows:

1. This proceeding was initiated on February 15, 1991 by Florida Power's petition asking the Commission to conduct a limited proceeding, pursuant to Section 366.076(1), F.S., on its request for a revenue offset against any additional depreciation expense that may result from the Commission's upcoming decision in the generic investigation of fossil plant dismantlement costs (Docket No. 890186-EI). On March 4, 1991, the Citizens filed its Notice of Intervention and on March 6, 1991, filed its motion to dismiss, contending that the petition seeks relief from Commission action that has not been taken or proposed, and that Florida Power is therefore not an affected party with standing to bring its petition. On April 5, 1991, FIPUG filed its petition to intervene as a full party. CLG filed its petition to intervene on April 19, 1991. The Citizens, FIPUG, and Florida Power are also parties of record in Docket No. 890186-EI.

DOCUMENT NUMBER DATE

03540 APR 12 1991

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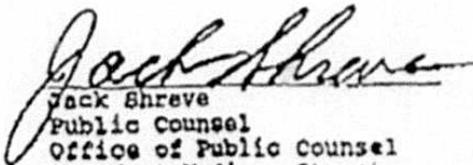
2. After subsequent discussions, the Parties have agreed to the stipulation below which, if accepted by the Commission, would satisfactorily resolve their respective concerns and allow this docket to be terminated immediately, without need of further proceedings.

3. The Parties do not agree on the entitlement or amount of depreciation expense Florida Power should charge, but do stipulate and agree that implementation of any additional increase in Florida Power's depreciation expense, determined in Docket No. 890186-EI, related to fossil plant dismantlement costs, will be in conjunction with its next general rate case, which Florida Power currently anticipates will occur in 1992. The Parties further agree that if the Commission accepts this stipulation and enters an order providing for the implementation of any such additional increase of depreciation expense as described above, Florida Power will promptly withdraw its petition, at which time this docket (Docket No. 910154-EI) may be closed. The Commission's acceptance of this stipulation will also resolve Issue 17 in Docket No. 890186-EI, only as it relates to the implementation of any additional increase of Florida Power's depreciation expense for fossil plant dismantlement costs.

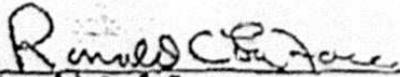
4. The Parties believe, and therefore represent, the above stipulation will appropriately and equitably resolve the issues raised in this proceeding and promote administrative efficiency, and approval of the stipulation is therefore in the public interest.

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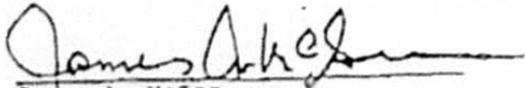
WHEREFORE, the Parties to this proceeding respectfully ask that the Commission enter an order approving the stipulation described above and providing that any additional increase in the depreciation expense of Florida Power related to fossil plant dismantlement costs determined in Docket No. 890186-EI be implemented in conjunction with Florida Power's next general rate case.


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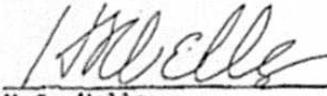


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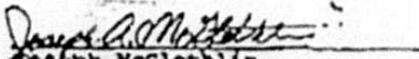


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