

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Planning Hearings on load	)	DOCKET NO. 900004-EU
forecasts, generation expansion plans,	)	ORDER NO. 23247
and cogeneration prices for Peninsular	)	ISSUED: 7-23-90
Florida's electric utilities.	)	
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER DENYING FICA'S MOTION FOR RECONSIDERATION

BY THE COMMISSION:

Order No. 22341, issued on December 26, 1989, set the price which cogenerators are paid for electric power produced in this state by qualifying facilities (QFs). On January 10, 1990, FICA filed a timely motion for reconsideration of that order requesting that this Commission reconsider: 1) the designation of a combined cycle unit as the statewide avoided unit, 2) the allocation of the statewide avoided unit to specific electric utilities and 3) the denial of capacity payments to cogenerators selling as-available energy. Along with its motion for reconsideration, FICA also filed a request for oral argument on January 10, 1990. In keeping with Commission procedure, this request was reviewed by the Prehearing Officer, Commissioner Gerald L. Gunter, and denied.

On January 22, 1990, the Jacksonville Electric Authority (JEA), Florida Electric Power Coordinating Group (FCG), Tampa Electric Company (TECO) and Florida Power Corporation (FPC) filed responses opposing the motion for reconsideration. Florida Power and Light Company (FPL) followed suit on January 24, 1990.

Motions for reconsideration are for the purpose of raising facts which the Commission either overlooked or misapprehended in its initial decision. The arguments advanced by FICA in its motion for reconsideration are the same as those presented

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in its prehearing statement and post-hearing briefs, and thus, arguments already rejected by this body once. FICA has simply reargued its whole position on avoided cost pricing again. That is the improper use of reconsideration. For that reason, we find that FICA's motion for reconsideration should be denied.

On our own motion and independent of FICA's motion for reconsideration we have voted to reconsider issues on allocation and the proper avoided unit to be designated in this docket.

Therefore, it is

ORDERED by the Florida Public Service Commission that the Motion for Reconsideration filed by the Florida Industrial Cogeneration Association on January 10, 1990 is hereby denied. It is further

ORDERED that the Commission will consider the issues of allocation and the proper statewide avoided unit in conjunction with our consideration of proposed changes to our cogeneration pricing rules.

By ORDER of the Florida Public Service Commission, this 23rd day of JULY, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
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NOTICE OF 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 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

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requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request 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 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 after the issuance 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.