

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for ) DOCKET NO. 940771-EG  
determination that ) ORDER NO. PSC-94-1414-PCO-EG  
implementation of contractual ) ISSUED: November 21, 1994  
pricing mechanism for energy )  
payments to qualifying )  
facilities complies with Rule )  
25-17.0832, Florida )  
Administrative Code, by Florida )  
Power Corporation )  
\_\_\_\_\_)

PROCEDURAL ORDER

BY THE COMMISSION:

On October 31, 1994, Florida Power Corporation (FPC) filed an amended petition in this docket in which it requested that the case be converted from a declaratory statement proceeding to an adjudicatory proceeding under Section 120.57, Florida Statutes. This order confirms that effective October 31, 1994, the docket has been converted to an evidentiary proceeding, and a hearing schedule has been established.

Petitions to intervene have been filed by Orlando Cogen Ltd., Metropolitan Dade County, Lake Cogen Ltd., Florida Gas Transmission Co., Ridge Generating Station, L.P., Auburndale Power Partners Ltd., Tiger Bay Limited Partnership, and Pasco Cogen Ltd. On November 16, 1994, all petitions to intervene were granted. All motions to dismiss filed by the intervenors are hereby transferred to the evidentiary proceeding. Florida Power Corporation's motions to strike the motions to dismiss are denied as moot, because FPC, Orlando Cogen, Lake Cogen, Pasco Cogen, Dade County and Montenay-Dade have filed joint stipulations to permit FPC a reasonable time to respond to the motions to dismiss after the petitions for intervention are granted. The stipulations are hereby approved. As provided in Orlando Cogen's and FPC's stipulation, FPC will have 12 days from the date intervention was granted to respond to the motions to dismiss.

In addition, the parties will have the opportunity to respond to the amended petition in the time period proscribed in Rules 25-22.028 and 25-22.037, Florida Administrative Code. If amended motions to dismiss are filed in response to the amended petition, FPC shall have 12 days to respond to them as well. Oral argument is scheduled for January 5, 1995, before the full Commission, on all motions to dismiss, including those that may be filed in response to the amended petition, in this docket, Docket No. 940357-EU and Docket No. 940797-EU.

DOCUMENT NUMBER-DATE

11684 NOV 21 84

FPC-RECORDS/REPORTING

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Finally, this Order will clarify Order No. PSC-94-1400-PCO-EU granting intervention to Pasco Cogen, Ltd. All parties to this proceeding shall also furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to the attorney representing Pasco Cogen:

Ansley Watson, Jr., Esquire  
Macfarlane, Ausley, Ferguson & McMullen  
111 E. Madison Street - Suite 2300  
P.O. Box 1531  
Tampa, Florida 33601-1531

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 21st day of November, 1994.

  
SUSAN F. CLARK, Commissioner  
and Prehearing Officer

( S E A L )

MCB

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 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.

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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 25-22.038(2), 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 Records and Reporting, 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.