

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for determination of need) for proposed electrical power plant and) related facilities - Lauderdale re- powering project.) <hr/> In re: Petition of Florida Power & Light Company for determination of need) for proposed electrical power plant and) related facilities - Martin Expansion Project.) <hr/>) DOCKET NO. 890973-EI))))) DOCKET NO. 890974-EI) ORDER NO. 22631) ISSUED: 3-2-90))
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ORDER DENYING ORAL ARGUMENT

On February 27, 1990, Broward County (Broward) and Charles H. Bronson and Hadson Development Corporation (Bronson-Hadson), intervenors in the above dockets, filed motions requesting that the Commission panel in these dockets reverse the prehearing officer's ruling which excluded certain issues from consideration in the hearing set for March 21, 1990. Simultaneous with these motions, Broward and Bronson-Hadson filed requests for oral argument pursuant to Rule 25-22.058, Florida Administrative Code.

Rule 25-22.058, Florida Administrative Code, states that the Commission may grant oral argument where it would "aid the Commission in comprehending and evaluating the issues raised by exceptions or responses." Rule 25-22.058(1), Florida Administrative Code. In this instance, both Broward and Bronson-Hadson have already given extensive oral presentations at the prehearing conference as well as filed written motions in support of their position. The arguments presented at the prehearing conference are the same as those found in the motions. There is no indication in either motion that circumstances will change between today's date and March 6, 1990, which will give rise to any additional arguments in support of Broward's and Bronson-Hadson's motions. Further, at the request of Bronson-Hadson and Florida Power & Light Company, the motion on exclusion of the issues is to be heard by the full panel on Tuesday, March 6, 1990 at the regularly scheduled agenda conference. If oral argument were to be granted, it would have to occur at the agenda conference in order to comply with statutory noticing requirements. This would be a deviation from normal Commission procedure.

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The grant of oral argument on any motion or pleading filed with the Commission is totally discretionary. Under the circumstances found in these dockets and discussed above, oral argument will not aid in evaluating the issues raised and would constitute a deviation from normal Commission procedures at agenda conferences.

Therefore, it is

ORDERED by Commissioner Betty Easley, Prehearing Officer, that the requests of Broward County, Charles H. Bronson and Hadson Development Corporation for oral argument is hereby denied.

By Order of Commissioner Betty Easley, as Prehearing Officer, this 2nd day of MARCH, 1990.



BETTY EASLEY, Commissioner and
Prehearing Officer

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