

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to) DOCKET NO. 931186-EQ
Rule 25-17.0832, F.A.C., Firm) ORDER NO. PSC-96-0215-PCO-EQ
Capacity and Energy Contracts;) ISSUED: February 15, 1996
and Proposed Rules 25-17.0836,)
F.A.C., Modification to Existing)
Contracts; Explanation of When)
Approval is Required, and 25-)
17.0837, F.A.C., Negotiations)
With Other Utility and Non-)
Utility Generating Facilities)
_____)

ORDER ESTABLISHING PROCEDURES TO BE FOLLOWED
AT RULEMAKING HEARING

I. Background

The Florida Public Service Commission has proposed amendments to Rule 25-17.0832, Florida Administrative Code, to ensure that Rule 25-17.0832 is consistent with Rule 25-22.082, Florida Administrative Code, and to limit the availability of standard offer contracts to "preferred QFs." In addition, the Commission has proposed new Rules 25-17.0836 and 25-17.0837, Florida Administrative Code, to set procedures concerning contract modifications and to encourage utilities to negotiate with other utilities and nonutility generators.

The Commission voted to propose the amendments and new rules on January 16, 1996. The rules were published in the Florida Administrative Weekly on February 2, 1996.

II. Rulemaking Hearing

A rulemaking hearing is scheduled before the full Commission at the following time and place:

9:30 a.m., June 12 and 13, 1996
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

DOCUMENT NUMBER-DATE

01792 FEB 15 96

FPSC-RECORDS/REPORTING

The rulemaking hearing shall be governed by Section 120.54, Florida Statutes, and by Chapter 25-22, Florida Administrative Code.

III. Prehearing Procedures

1. Interested persons may prefile comments and testimony no later than May 1, 1996. Prefiling comments and testimony will aid the Commission in its consideration of the rules and possible alternatives and will save time at the hearing. Additionally, prefilng comments and testimony will allow the Commission to elicit responsive comments and testimony, as stated below.

Prefiled comments and testimony shall be typed on 8 1/2 inch by 11 inch transcript-quality paper, double spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

All alternative rule proposals must be made in writing, with copies attached to prefiled comments or testimony. See Attachment "A" for suggested rule proposal format.

Each exhibit intended to support prefiled comments or testimony shall be attached to that person's comments or testimony when filed, identified by his or her initials, and consecutively numbered beginning with 1.

An original and 15 copies of all comments, testimony, and exhibits must be filed with the Director, Division of Records and Reporting, by the close of business, which is 5:00 p.m. on the date due.

2. Any person may prefile responsive comments or responsive testimony to the comments and testimony filed by May 1, 1996. The responsive comments and testimony must be filed no later than May 15, 1996, and in the format described above.
3. See Rule 25-22.028(1), Florida Administrative Code, for the requirements of filing on diskette for certain persons.

4. Service on other persons is not required, since it is uncertain at this time who will participate. However, to facilitate an orderly hearing and avoid undue repetition, those prefiling comments and testimony may wish to share it with other known participants.

IV. Hearing Procedures

1. The Commission staff will present a summary of the economic impact statement and the rules.
2. The first exhibit introduced into the record will be a composite exhibit prepared by staff, which will consist of the following documents: FAW notice and proposed rules; materials provided to the Joint Administrative Procedures Committee in connection with the proposed rules, which include the statement of facts and circumstances justifying rules, statement on federal standards, statement of impact on small business, and economic impact statement; notice of rulemaking; and any material, including prefiled comments and attachments, that may be submitted pursuant to Section 120.54(3)(a), Florida Statutes. It shall not be necessary for participants to insert their prefiled comments and testimony into the record at the hearing.

Due to the length of the first exhibit, copies will not be distributed at the hearing. However, there will be several copies available for inspection.

3. Following the staff presentation, affected persons will have the opportunity to present evidence and argument. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. If time permits, persons making presentations will be subject to questioning by other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position.

Persons who wish to participate at the hearing must register at the beginning of the hearing. The general order of presentation will be as follows:

Members of the public
Investor-owned utilities
Qualifying facilities
Nonutility generators
Special interest groups

The specific order of presentation will be determined by the presiding officer the first morning of the hearing.

V. Posthearing procedures

1. A transcript of the proceedings will be made available to the public on or about June 27, 1996, at cost.
2. Participants may file posthearing comments no later than July 11, 1996. Posthearing comments shall be typed on 8 1/2 inch by 11 inch transcript-quality paper, double spaced, with 25 numbered lines, on consecutively numbered pages, with left margins sufficient to allow for binding (1.25 inches).

An original and 15 copies of all posthearing comments shall be filed with the Director, Division of Records and Reporting, by the close of business which is 5:00 p.m. on the date due.

Based on the foregoing, it is

ORDERED that this order shall govern the conduct of these proceedings, as set forth above, unless modified by the Commission.

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 15th day of February, 1996.


DIANE K. KIESLING, 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 120.59(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.

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.

ATTACHMENT "A"

Rule 25-xx.xxxx Suggested format for rule proposals.

(1) Proposed rules and rule revisions must be submitted in writing, and must be typed, double-spaced, using type-and-strike format.

(2) You may obtain a diskette copy of the proposed rules in Wordperfect 5.1 rule format from Mary Anne Helton in the Division of Appeals. The rules will be copied onto your blank, formatted high density 3.5" diskette. Please ~~redline~~ suggested additions to and deletions from the proposed version of the rules. Explanatory comments should be keyed to the rule in some fashion, such as through footnotes.

(3) Example of redlined additions with explanatory comment:

The Florida Energy Efficiency and Conservation Act requires increasing the efficiency of the electric systems of Florida, by increasing the conservation of expensive resources, such as petroleum fuels, to reduce and the end use of these sources of energy by reducing ~~weather-sensitive~~¹ peak demand, ~~oil consumption~~ and kilowatt hour consumption to the extent cost effective.

¹ Staff believes that the rule should address all peak demand, not just weather-sensitive peak demand.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.