

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the rates and charges)
of Florida Power & Light Company.)
)
)
)

DOCKET NO. 900038-EI
ORDER NO. 22762-A
ISSUED: 5-7-90

AMENDATORY ORDER

On April 3, 1990 Order No. 22762 was issued in this docket requiring the filing of minimum filing requirements and holding money subject to refund. Page 4 of that document states, in part, as follows:

We note here that we have taken similar action regarding United Telephone Company of Florida in In re: Investigation into United Telephone Company of Florida's authorized return on equity and earnings (United Telephone), Order No. 22377, issued on January 8, 1990, Docket No. 891239-TL. As in this instance, no rate reduction was ordered but moneys computed to be in excess of the low end of the authorized rate of return were held subject to refund with interest pursuant to Section 364.14, Florida Statutes. Section 364.14 is the telephone equivalent of Sections 366.06(2) and (4). Order No. 22377 at 3-7. Also in accord with our decision in the United Telephone case, there will be no rate reduction made at this time pending conclusion of the full rate proceeding. FPL's existing rates will continue to be collected subject to refund. The revenues held subject to refund in this order will be secured by a corporate undertaking with interest computed in accordance with the methodology in Rule 25-6.109, Florida Administrative Code.

(Emphasis added.)

The language which is underlined is incorrect. The proper language is as follows:

We note here that we have taken similar action regarding United Telephone Company of Florida in In re: Investigation into United

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Telephone Company of Florida's authorized return on equity and earnings (United Telephone), Order No. 22377, issued on January 8, 1990, Docket No. 891239-TL. As in this instance, no rate reduction was ordered but moneys computed to be in excess of the high end of the authorized rate of return were held subject to refund with interest pursuant to Section 364.14, Florida Statutes. Section 364.14 is the telephone equivalent of Sections 366.06(2) and (4). Order No. 22377 at 3-7. Also in accord with our decision in the United Telephone case, there will be no rate reduction made at this time pending conclusion of the full rate proceeding. FPL's existing rates will continue to be collected subject to refund. The revenues held subject to refund in this order will be secured by a corporate undertaking with interest computed in accordance with the methodology in Rule 25-6.109, Florida Administrative Code.

(Emphasis added.)


In this docket, as in the United Telephone case, the Commission is only holding those moneys computed to be in excess of the high end of the authorized rate of return subject to refund.

Therefore, it is

ORDERED by the Florida Public Service Commission that Order No. 22762 is amended as stated in the body of this order. It is further

ORDERED that Order No. 22762 is hereby reaffirmed in all other respects.

By Order of the Florida Public Service Commission
this 7th day of MAY, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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.