

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:
TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

October 14, 1999

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

RECEIVED-FPSC
OCT 14 PM 4:11
RECORDS AND REPORTING

Re: Docket Number 990001-EI; 990007-EI

Dear Ms. Bayo:

On behalf of Florida Industrial Power Users Group, enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Preliminary Issues in Docket No. 990001-EI
- ▶ Preliminary Issues in Docket No. 990007-EI

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me in the envelope provided. Thank you for your assistance.

Yours truly,

Vicki Gordon Kaufman
Vicki Gordon Kaufman

AFA Uarduer
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG Ken
 EG 1 enc.
 GAS 3
 JFC _____
 JAI _____
 REC T
 WAW _____
 OTH _____

RECEIVED & FILED
W
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNO & STEEN, P.A., PC

12539-99
12539 OCT 14 99
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental cost
recovery clause.

Docket No. 990007-EI
Filed: October 14, 1999

FIPUG's Preliminary Issues

Pursuant to the Case Assignment and Scheduling Record (CASR) in this docket, the Florida Industrial Power Users Group (FIPUG) files its Preliminary List of Issues and Positions. FIPUG reserves the right to amend this preliminary statement.

PRELIMINARY ISSUES

1. **ISSUE:** What are the appropriate projected environmental cost recovery amounts for the period January 2000 through December 2000?
FIPUG: FIPUG has no position at this time, but reserves the right to take a position on this issue by the date of the prehearing conference.
2. **ISSUE:** What should be the effective date of the environmental cost recovery factors for billing purposes?
FIPUG: The factor should be effective beginning with the specified environmental cost recovery cycle and thereafter for the period January 2000 through December 2000. Billing cycles may start before January 1, 2000 and the last cycle may be read after December 31, 2000, so that each customer is billed for twelve months regardless of when the adjustment factor became effective.
3. **ISSUE:** What are the appropriate environmental cost recovery factors for the period January 2000 through December 2000 for each rate group?
FIPUG: FIPUG has no position at this time, but reserves the right to take a position on this issue by the date of the prehearing conference.
4. **ISSUE:** Should the Commission require utilities to petition for approval of recovery of new products through the Environmental Cost Recovery Clause at least three months prior to the due date for projection filing testimony?
FIPUG: Yes. The current method of receiving filings the week before Intervenor testimony is due deprives Intervenor of due process and makes it impossible

to prepare for hearing.

5. **ISSUE:** Should the Commission set minimum filing requirements for the utilities upon a petition for approval of recovery of new projects through the Environmental Cost Recovery Clause?

FIPUG: Yes. Parties must have adequate information in order to participate in the proceeding.

Company-Specific Environmental Cost Recovery Issues

TECo

6. **ISSUE:** Because projected savings from use of the scrubbers will not materialize for several years, should collections be postponed until the savings occur?


FIPUG: Yes.

7. **ISSUE:** Because recovery of the cost of TECo's scrubbers is on a kwh basis, should wholesale customers bear a portion of the cost responsibility based on their consumption?

FIPUG: Yes.

8. **ISSUE:** What ROE should be applied to the recovery of the scrubbers?

FIPUG: The low end of the range should be used.


John W. McWhirter, Jr.
McWhirter Reeves McGlothlin Davidson
Decker Kaufman Arnold & Steen, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350

Vicki Gordon Kaufman
McWhirter Reeves McGlothlin Davidson
Decker Kaufman Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

Attorneys for the Florida Industrial
Power Users Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Preliminary Issues has been furnished by hand delivery(*) or by U.S. Mail this 14th day of October, 1999 to the following:

(*) Grace Jaye
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

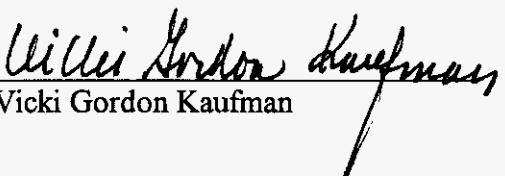
John Roger Howe
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

Gail Kamaras, Director
Legal Environmental Assistance Foundation
1114-E Thomasville Road
Tallahassee, Florida 32303-6290

Lee L. Willis
James Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302

Matthew M. Childs
Steel Hector & Davis
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301-1804

Jeffery A. Stone
Beggs and Lane
Post Office Box 12950
Pensacola, Florida 32576-2950


Vicki Gordon Kaufman