

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Peace River/ )	DOCKET NO. 911152-PU
Manasota Regional Water Supply )	
Authority for Formal Hearing )	ORDER NO. 25717
Regarding Paragraph 8 of Proposed )	
Facilities Rental Agreement with )	ISSUED: 2/12/92
Florida Power and Light Company. )	

ORDER ON PROCEDURE

On November 19, 1991, The Peace River/Manasota Regional Water Supply Authority (Peace River/Manasota) filed a Petition for a Formal Administrative Hearing before the Commission. The Petition alleges that Paragraph 8 of Florida Power and Light Company's (FPL) Facilities Rental Agreement tariff violates Article X, section 13 of the Florida Constitution and Section 768.28, Florida Statutes, because it requires Peace River/Manasota and other local governmental units to contract to indemnify and hold FPL harmless from any liability arising from the lease of the company's facilities. The Petition requests that the Commission modify FPL's tariff and all other agreements that may be entered into with Peace River/Manasota, or any local governmental unit, by deleting the indemnification/hold harmless clause.

FPL did not file a response to the Petition. It appears, and the parties have agreed, that no material facts are in dispute in this case. The Commission can decide the merits of the Petition based on its resolution of the legal issues presented. It is therefore not necessary to hold an evidentiary hearing in this matter. Instead, it is appropriate, and the parties have agreed, that this matter be considered by the means provided in section 120.57(2), Florida Statutes. The parties will file briefs and present oral argument on all legal issues presented by the Petition. The parties will base their briefs and oral argument on the facts as alleged in the Petition.

The parties shall file their briefs in this case on or before March 4, 1992, and oral argument will be heard on March 12, 1992.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 12th day of FEBRUARY, 1992.

  
 SUSAN F. CLARK, Commissioner and  
 Prehearing Officer

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