BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power) DOCKET NO. 920001-EI
Cost Recovery Clause and   ) ORDER NO. PSC-92-0528-PCO-EI
Generating Performance   ) ISSUED: 6/18/92
Incentive Factor.   )
)

ORDER GRANTING MOTION TO VACATE STAY PENDING REVIEW

The Office of Public Counsel has filed a Notice of Administrative Appeal of Commission Order Nos. 25148 and PSC-92-0015-FOF-EI. Order 25148, in pertinent part, permitted Tampa Electric Company to recover the costs of coal purchased in 1990 from its affiliate that exceeded the market-based benchmark the Commission had previously established to measure the reasonableness of TECO's affiliate coal costs. In the order, the Commission found that TECO had adequately justified the recovery of the excess costs for 1990. Order PSC-92-0015-FOF-EI denied Public Counsel's Motion for Reconsideration of that decision. Tampa Electric Company made a motion to vacate stay pending review on April 17th, 1992, and the Office of Public Counsel has not responded in opposition to that motion.

Because of the continuing nature of the Commission's fuel adjustment proceedings, if the motion to vacate the stay is granted and Tampa Electric Company is permitted to make the necessary adjustments to its fuel factors to recover all the costs of its Gatliff coal purchases, and if at a later date the Commission's decision in Order 25148 to allow recovery is reversed by the Supreme Court, adjustments to TECO's fuel factors can be made at that time to arrive at the appropriate amount to be recovered. TECO's customers will thus not be harmed by vacating the stay at this time. It is therefore,

ORDERED, for the reasons stated above, that the stay applicable to the pending appeal of the Commissions' decisions in Order Nos. 25148 and PSC-92-0015-FOF-EI is vacated.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this __18th__ day of _____JUNE_____, _1992_ .

Betty Easley
BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)
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