

MEMORANDUM

August 4, 1992

TO : DIVISION OF RECORDS AND REPORTING
FROM : DIVISION OF LEGAL SERVICES (PALECKI)
RE : DOCKET NO. 920520-EQ

RECEIVED

AUG - 4 1992

FPSC-RECORDS / REPORTING

PSC-92-0748-PCO-EQ

Attached please find an **ORDER DENYING MOTION TO CONSOLIDATE** in the above referenced docket which is ready to be issued.

MAP:bmi
Attachment

920520c.bmi

DOCUMENT NUMBER-DATE

08618 AUG-5 1992

FPSC-RECORDS / REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition to deter-) DOCKET NO. 920520-EQ
mine need for electric power) ORDER NO. PSC-92-0748-PCO-EQ
plant to be located in Okeechobee) ISSUED: 8-5-92
County by Florida Power & Light)
Company and Cypress Energy)
Partners, Limited Partnership.)
_____)

ORDER DENYING MOTION TO CONSOLIDATE

On July 1, 1992, Florida Power and Light Company (FPL) filed a motion to consolidate its need determination proceeding in this docket with its petition for contract approval in Docket No. 920648-EQ.

While we normally prefer to consolidate need proceedings and related petitions for contract approval, we note that here FPL did not file its petition for contract approval until June 24, 1992. Pages that were inadvertently omitted from the original contract filing were not supplied to the Commission until July 1, 1991.

In determining the prudence of a contract for purchase of capacity and energy, we also approve cost-recovery under the contract; a matter which we will not revisit absent extraordinary circumstances. Because of the finality of contract approval, and its potential impact on ratepayers, we need to be thorough in our review and analysis of the contract. Here, we need additional time for our contract review, and consolidation would not be appropriate. It is therefore

ORDERED that the Motion to Consolidate filed by Florida Power and Light Company on July 1, 1992, is hereby denied.

ORDER of Chairman Thomas M. Beard, as Prehearing Officer, this
5th day of August, 1992.



THOMAS M. BEARD, Chairman
and Prehearing Officer

(S E A L)

MAP:bmi

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FPCO-RECORDS/REPORTS

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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.