

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for a rate) DOCKET NO. 920324-EI
increase by TAMPA ELECTRIC) ORDER NO. PSC-92-1147-PCO-EI
COMPANY) ISSUED: 10/08/92
_____)

ORDER REQUIRING RESPONSES BY TAMPA ELECTRIC COMPANY
AND DENYING TAMPA ELECTRIC COMPANY'S MOTION TO STRIKE

The purpose of this Order is to resolve two outstanding procedural matters prior to the issuance of the Prehearing Order.

On September 1, 1992, the intervenors Legal Environmental Assistance Foundation and John Ryan, (LEAF), filed a Notice of Service of its 1st Request for Admissions to TECO, Nos. 1-34. On September 9, 1992, Tampa Electric Company (TECO) filed Objections to LEAF's 1st Request for admissions. Subsequently, on September 18, 1992, LEAF filed an Opposition to TECO's objections to its 1st Request for Admissions. LEAF then filed on September 24, 1992, a Motion to Determine the Sufficiency of TECO's objection to LEAF's 1st Request for Admissions. On September 28, 1992, TECO filed its Reply to LEAF's Motion. On October 2, 1992, LEAF filed a Supplemental Response to TECO's Objection to its 1st Request for Admissions.

Although I believe the issues that are the subject of these matters could be more effectively addressed in a generic proceeding, I cannot find that LEAF's requests are irrelevant to this proceeding. It is not inappropriate for LEAF to make such requests. As Prehearing Officer, I am somewhat reluctantly requiring TECO to provide responses to LEAF's Request for Admissions before the beginning of the hearing on Monday, October 12, 1992.

The other outstanding procedural matter is a Motion to Strike prepared testimony and exhibits of John Stutz, filed by TECO on September 25, 1992. LEAF filed a Response to TECO's Motion on October 2, 1992. For the same reasons discussed above, TECO's Motion to Strike is hereby denied.

It is, therefore,

ORDERED that Tampa Electric Company provide responses to the Legal Environmental Assistance Foundation and John Ryan's 1st Request for Admissions before the beginning of the hearing on Monday, October 12, 1992. It is further

ORDERED that the Motion to Strike the testimony and exhibits of John Stutz filed by Tampa Electric Company is hereby denied.

DOCUMENT NUMBER-DATE

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 8th day of October, 1992.



J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)

DLC

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.