

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of) DOCKET NO. 951536-EG
BuildSmart Program by Florida) ORDER NO. PSC-96-1145-PCO-EG
Power & Light Company.) ISSUED: September 11, 1996
_____)

ORDER GRANTING MOTION FOR LEAVE TO AMEND PETITION

On July 17, 1996, Florida Power & Light Company (FPL), by and through its undersigned attorneys, filed a Motion For Leave To Amend Petition in Docket 951536-EG. FPL requests that the Commission allow it to amend its December 7, 1995, petition for approval of its BuildSmart Program.

Order No. PSC-93-0339-FOF-EG, issued March 4, 1993, approved for cost recovery the New Home Construction Research Project (Project) as a part of FPL's Conservation Plan. The BuildSmart pilot program, a significant part of the Project, evaluates the impact of education, inspections, and certification on new home construction energy-efficiency.

On June 1, 1995, the Commission received FPL's final report on the Project. FPL, however, prior to filing its final report, petitioned the Commission to extend FPL's BuildSmart offerings through December 31, 1995. The Commission issued Order No. PSC-95-0611-FOF-EG granting FPL's request. Certain events delayed FPL's ability to petition the Commission for permanent approval of the BuildSmart Program. Subsequently, FPL sought and received two further extensions of the Buildsmart pilot program. Order No. PSC-96-0404-FOF-EG extends the Buildsmart pilot program through December 31, 1996.

Order No. PSC-95-1343-FOF-EG approved FPL and the Legal Environmental Assistance Foundation's (LEAF) stipulation that supported the cost effectiveness of the BuildSmart Program. Subsequently, FPL, with the consent of LEAF, modified its petition for approval of the BuildSmart Program using updated planning assumptions.

FPL's petition for approval of the BuildSmart Program was not filed prior to the filing of a responsive pleading or the designation of a presiding officer. Consequently, under Rule 25-22.037(8), Florida Administrative Code, FPL may amend its petition "only upon order of the presiding officer."

Good cause having been shown, FPL's request to amend the BuildSmart Program petition in order to allow further review of the program under more current planning assumptions is granted.

DOCUMENT NUMBER-DATE

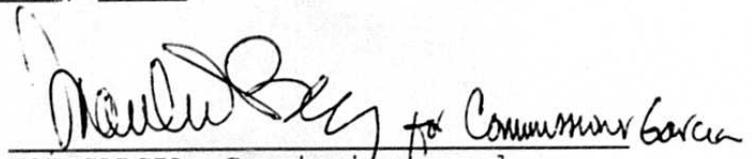
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FPSC-RECORDS/REPORTING

Based on the foregoing, it is therefore

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that Florida Power & Light Company's Motion For Leave To Amend Petition is granted.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 11th day of September, 1996.



JOE GARCIA, Commissioner and
Prehearing Officer

(S E A L)

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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 25-22.0376, 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

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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.