

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power Corporation for declaratory statement that Commission's approval of Negotiated Contract for Purchase of Firm Capacity and Energy between FPC and Metropolitan Dade County in Order No. 24734, together with Orders Nos. PSC-97-1437-FOF-EQ and 24989, PURPA, Florida Statute 366.051, and Rule 25-17.082, F.A.C., establish that energy payments thereunder, including when firm or as-available payment is due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics.

DOCKET NO. 980283-EQ
ORDER NO. PSC-98-0574-PCO-EQ
ISSUED: April 24, 1998

ORDER GRANTING FLORIDA POWER CORPORATION'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE ITS MEMORANDUM IN OPPOSITION TO MIAMI-DADE COUNTY'S AND MONTENAY-DADE, LTD.'S MOTION TO DISMISS

On April 10, 1998, Florida Power Corporation (FPC) requested, pursuant to Rule 25-22.037, F.A.C., an enlargement of time to May 12, 1998 to respond to Miami-Dade County (Dade) and Montenay-Dade (Montenay) Ltd.'s Motion to Dismiss FPC's Petition for Declaratory Statement.

Based on FPC counsel's scheduling concerns, the fact that the request is unopposed and the additional time granted Dade and Montenay to file their Motion to Dismiss, it is reasonable to grant FPC's request. FPC has agreed to waive the 90-day deadline in Section 120.565 Florida Statutes for the Commission to decide this matter. This waiver is necessary since granting FPC's request may cause the 90-day deadline to be exceeded.

In view of the above, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Florida Power Corporation's Unopposed Motion for Enlargement of Time is granted. It is further

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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ORDERED that this docket remain open.

By ORDER of Commissioner J. Terry Deason, this 24th day of April, 1998.


J. TERRY DEASON, 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 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

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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.