

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost	)	DOCKET NO. 910001-EI
Recovery Clause and Generating	)	
Performance Incentive Factor	)	ORDER NO. 24156
	)	
	)	ISSUED: 2/25/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 BETTY EASLEY  
 MICHAEL MCK. WILSON

ORDER DENYING MOTION FOR RECONSIDERATION

BY THE COMMISSION:

On October 12, 1990 the Office of Public Counsel filed a motion for reconsideration of a portion of Order No. 23537, which was issued in this docket on September 27, 1990. Public Counsel requested reconsideration of our decision not to review certain of Tampa Electric Company's ("TECO's") fuel contracts:

In Order No. 20298, issued in Docket No. 870001-EI-A on November 10, 1988, we approved a stipulated market-based pricing mechanism for evaluating reasonableness of the price of fuel purchased from affiliated entities. In this docket, Public Counsel pointed out that TECO's average cost of coal and transportation meets the market price benchmark, but alleged that TECO imprudently entered into new contracts with its affiliates Gatliff and Teco Transport and Trade, causing increased costs to its customers. We find that under the methodology approved in Order No. 20298, the amounts paid by TECO for coal and coal transportation provided by these affiliates should be approved for recovery in this docket. However, TECO's payments to its affiliated coal and transportation suppliers are not automatically deemed prudent simply because they meet the market price benchmark. In light of our adoption of a market-based pricing methodology, we find it unnecessary to review the new contract between TECO and Teco Transport and Trade which replaced its previous cost-plus contracts, or to review the prudence of the new contract with Gatliff which increased the utility's minimum tonnage purchase requirement. We find that the actual cost of coal FOB Gatliff for the year 1989 and the actual cost of waterborne movements of coal for the year 1989 is below the zone of reasonableness as outlined in Order No. 20298.

Order No. 23537 at 5.

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Public Counsel argues that this portion of the order is inconsistent with a stipulation entered between the parties, is inconsistent with Order No. 20298 which accepted the stipulation, and that the terms of TECO's new contracts are "outside the purview" of the stipulation.

The purpose of a motion for reconsideration is to point out some matter of law or fact which the Commission failed to consider or overlooked in its prior decision. Diamond Cab Co. of Miami v. King, 146 So. 2d 889 (Fla. 1962); Pingree v. Quaintance, 394 So.2d 161 (Fla. 1 DCA 1981). It is not an appropriate avenue for rearguing arguments which were previously considered. Order No. 23537 clearly reflects that we considered the stipulated market-based pricing mechanism approved in Order No. 20298 in reaching a decision not to review the contracts in question. Because Public Counsel's motion consists of a re-argument of matters previously considered and fails to establish a point which was overlooked or not considered when Order No. 23537 was rendered, we find that the motion should be denied.

It is therefore

ORDERED by the Florida Public Service Commission that the Motion for Reconsideration of Order No. 23537 filed by the Office of Public Counsel is hereby denied.

By ORDER of the Florida Public Service Commission, this 25th  
day of FEBRUARY, 1991.



STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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

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sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.