

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of Numeric )  
Conservation Goals and )  
Consideration of National Energy )  
Policy Act Standards (Section )  
111) by: )  
)  
)

FLORIDA POWER & LIGHT COMPANY ) DOCKET NO. 930548-EG  
FLORIDA POWER CORPORATION ) DOCKET NO. 930549-EG  
GULF POWER COMPANY ) DOCKET NO. 930550-EG  
TAMPA ELECTRIC COMPANY ) DOCKET NO. 930551-EG  
\_\_\_\_\_ ) ORDER NO. PSC-94-0656-PCO-EG  
ISSUED: May 31, 1994

ORDER DENYING LEGAL ENVIRONMENTAL ASSISTANCE FOUNDATION, INC.'S  
MOTION FOR RECONSIDERATION OF ORDER

On April 15, 1994, the Commission entered Order No. PSC-94-0458-PCO-EG. The order denied Legal Environmental Assistance Foundation, Inc.'s (LEAF) Motion for Continuance filed March 8, 1994. The Order considered whether LEAF was entitled to a continuance of the hearing in this docket until the alleged deficiencies in the Cost-Effectiveness Goal Results Report (CEGRR) filed by Florida Power and Light Company (FPL) were corrected and parties had the opportunity to review the filings, conduct discovery and prepare testimony. After considering LEAF's allegations, it was found that FPL's CEGRR and subsequent supplements were in compliance with the procedural orders issued in this docket.

On April 26, 1994, LEAF filed a Motion for Reconsideration of Order No. PSC-94-0458-PCO-EG. FPL filed its response in opposition to LEAF's motion on May 9, 1994.

LEAF's Motion for Reconsideration requests that its Motion for Continuance be granted because the CEGRR filed by FPL fails to comply with the procedural orders of this docket and intervenors need additional time to conduct discovery with regard to this information. FPL's response argues that the Order should not be reconsidered because LEAF's Motion for Reconsideration did not present any material issue of fact or law that the Commission failed to consider when issuing the original Order, and that LEAF improperly introduced new arguments in its Motion.

The purpose of a motion for reconsideration is to bring to the Commission's attention some material and relevant point of fact or law which was overlooked or was not considered when the order was first rendered. See Diamond Cab Co. v. King, 146 So.2d 889 (Fla.

DOCUMENT NO. 100-DATE

05239 MAY 31 1994

FPLC-REG. REPORTING

ORDER NO. PSC-94-0656-PCO-EG  
DOCKETS NOS. 930548-EG, 930549-EG, 930550-EG, 930551-EG  
PAGE 2

1962); Pingree v. Quaintance, 394 So.2d 161 (Fla. 1st DCA 1981). It is not an appropriate avenue for rehashing matters which were already considered, or for raising immaterial matters which, even if adopted, would not materially change the outcome of the case. Finally, neither new arguments nor better explanations are appropriate matters for reconsideration.

LEAF's Motion for Reconsideration restates arguments which were fully considered and summarily rejected in the initial Order. LEAF's objections to that Order do not contain a single material point of fact or law that was overlooked or not considered in this case. Nor has LEAF shown the Commission was mistaken as to any issue of fact or law which, if viewed correctly, would yield a different result.


Furthermore, LEAF's new argument, that no market penetrations were presented for measures that passed RIM and TRC but which were screened because they had either (1) a less than two-year payback, or (2) a payback longer than the life of the measure (passed the Participants Test), should not be considered as a grounds for reconsideration because this argument was not raised in LEAF's original motion, and it is not based on newly discovered evidence.

For the reasons stated above, LEAF's Motion for Reconsideration of Order No. PSC-94-0458-PCO-EG is denied.

It is therefore,

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that Legal Environmental Assistance Foundation, Inc's Motion for Reconsideration of Order No. PSC-94-0458-PCO-EG is denied.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 31st day of May, 1994.

  
\_\_\_\_\_  
J. TERRY DEASON, Chairman and  
Prehearing Officer

( S E A L )  
CAS

ORDER NO. PSC-94-0656-PCO-EG  
DOCKETS NOS. 930548-EG, 930549-EG, 930550-EG, 930551-EG  
PAGE 3

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.