

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 080009-EI
ORDER NO. PSC-08-0554-PCO-EI
ISSUED: August 21, 2008

ORDER ALLOWING MEMORANDUM ON ADDITIONAL ISSUES

On March 26, 2008, this docket was officially established to address the petitions of Florida Power & Light Company (FPL) and Progress Energy Florida, Inc. (PEF) for nuclear cost recovery through the Nuclear Cost Recovery Clause. On March 31, 2008, Order No. PSC-08-0211-PCO-EI (Order Establishing Procedure) was issued, scheduling the matters for an administrative hearing on September 11, 12, 17, and 18, 2008. The Office of Public Counsel (OPC), AARP, the Florida Industrial Power Users Group (FIPUG), and White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (White Springs) have each been granted intervention in this docket.

On May 27, 2008, the Commission staff conducted a meeting with the parties to discuss the tentative list of issues for determination by the Commission in this docket. Subsequent to the initial meeting to discuss the list of issues, the parties and staff have continued to work together to reach consensus on the framing of the issues. Most recently, the Commission staff conducted a meeting with the parties on August 14, 2008, to finalize the list of issues in advance of the August 27, 2008, prehearing conference.

Prior to the August 14, 2008, meeting, OPC provided the parties with an additional proposed issue. No consensus was reached on OPC's proposed issue, and the parties agreed to continue to attempt to reach agreement on the wording of OPC's proposed issue. In addition, subsequent to the August 14, 2008, meeting, FIPUG proposed an additional issue. It appears that no consensus has been reached by the parties with respect to OPC's and FIPUG's additional issues. Accordingly, to facilitate rulings that will be necessary at the August 27, 2008, prehearing conference, all parties are encouraged to file a memorandum setting forth the rationale for the inclusion, exclusion, or modification of the following additional issues raised by OPC and FIPUG:

OPC
ISSUE:

Has PEF/FPL demonstrated that the uprate-related costs it seeks to recover in this docket are incremental to those it would incur in conjunction with providing safe and reliable service during the period associated with the extension of its operating license, had there been no uprate project?

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

FIPUG
ISSUE:


What is the appropriate procedure to reduce and refund NPCR charges to retail customers when a utility sells a portion of a nuclear unit to a municipality or another investor owned utility?

Such memorandum shall be filed no later than close-of-business on Monday, August 25, 2008.

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the parties may file a memorandum on the issues as discussed above by August 25, 2008.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 21st day of August, 2008.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

LCB

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; 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 wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, 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.