

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of
BuildSmart Program by Florida
Power & Light Company.

DOCKET NO. 951536-EG
ORDER NO. PSC-97-0862-PCO-EG
ISSUED: July 17, 1997

SECOND ORDER REVISING PROCEDURAL SCHEDULE

This docket was set for hearing when Florida Power & Light Company (FPL) protested Florida Public Service Commission Order PSC-97-0092-FOF-EG, which denied FPL's First Amended Petition For Approval of the BuildSmart Program. Lee County is an intervenor in these proceedings.

On March 31, 1997, an Order Establishing Procedure was issued pursuant to FPL's protest, Order No. PSC-97-0862-PCO-EGPSC-97-0862-PCO-EGPSC-97-0357-PCO-EG.

On April 11, 1997, FPL filed a Motion For Leave To Further Amend Petition and the Second Amended Petition For Approval of BuildSmart Program. Order No. PSC-97-0556-PCO-EG, issued May 16, 1997, granted FPL's Motion For Leave To Further Amend Petition.

On May 16, 1997, 1997, FPL filed a Motion To Revise Procedural Schedule in this docket. FPL requested an order setting aside the formal proceeding procedural schedule in Order No. PSC-97-0357-PCO-EG, March 31, 1997 (Order Establishing Procedure) and substituting a Proposed Agency Action procedural schedule. The motion was granted pursuant to Order No. PSC-97-0690-PCO-EG, June 11, 1997. The controlling dates in the order included, among other things, a July 2, 1997, Staff Recommendation and July 15, 1997, Agenda Conference.

Because of Staff's concerns regarding ongoing monitoring of the BuildSmart Program cost effectiveness, Staff has requested additional time for filing a recommendation in order to meet with representatives of FPL, request additional information and evaluate the documentation submitted.

The Commission's action on the Second Amended Petition could eliminate the need for the hearing in this docket set for October 10, 1997. This revised schedule is established to accommodate that possibility, yet still preserve the opportunity to hold the hearing on October 10, 1997, if necessary. The parties have agreed to the dates set forth herein.

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

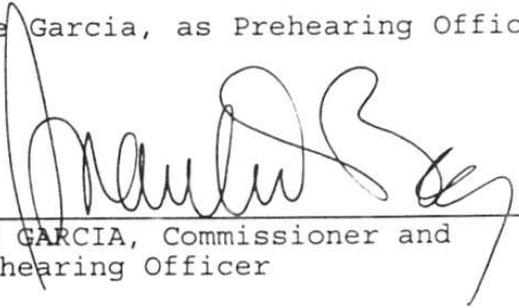
Based on the foregoing, it is

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the controlling dates are hereby revised as follows:

- | | |
|---|--------------------|
| 1) Staff Recommendation | July 24, 1997 |
| 2) Agenda Conference | August 5, 1997 |
| 3) Utility's direct testimony and exhibits | September 2, 1997 |
| 4) Intervenor's direct testimony and exhibits | September 15, 1997 |
| 5) Staff's direct testimony and exhibits | September 23, 1997 |
| 6) Prehearing Statements | September 23, 1997 |
| 7) Rebuttal testimony and exhibits | September 30, 1997 |

It is further ORDERED that all of the remaining dates set forth in the Order Establishing Procedure, Order No. PSC-97-0357-PCO-EG, March 31, 1997, shall remain in full force and effect.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 17th day of July, 1997.



JOE GARCIA, Commissioner and
Prehearing Officer

asst. to

(S E A L)

LJP

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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, 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.