BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for resolution of a cogeneration contract dispute with Orlando Cogen Limited, L.P., by FLORIDA POWER CORPORATION.	DOCKET NO. 940357-EQ ORDER NO. PSC-94-1118-PCO-EQ ISSUED: September 13, 1994

ORDER SUSPENDING CASE ACTIVITY UNTIL FURTHER NOTICE

On April 7, 1994, Florida Power Corporation (FPC) filed a Petition for Resolution of a Cogeneration Contract Dispute with Orlando Cogen Limited, L.P. (OCL). OCL responded to the petition by filing a Motion to Dismiss on the ground that the Commission was without jurisdiction to interpret the contract. On August 15, 1994, the panel assigned to the docket heard oral argument on the motion. Thereafter, the Commission Staff filed its recommendation on the motion and the matter was set for the September 6, 1994 Agenda Conference.

At the Agenda Conference, the panel concluded that the issues in the docket require important policy determinations that would be more appropriate for the full Commission to consider. In addition, a ruling on OCL's motion regarding the scope of the Commission's jurisdiction over cogeneration contracts may affect the conduct of several cases currently pending before the Commission. Therefore, to provide a more coordinated effort and to preclude the possibility of conflict, the Chairman has concurred in the decision by the panel and has cancelled the pre-hearing and hearing in this docket until further notice.

To allow each Commissioner the time necessary to review the briefs submitted by the parties, the transcript of the oral argument, and Staff's recommendation, consideration of OCL's motion has been deferred until further notice.

To facilitate rescheduling the case and to ensure that neither of the parties are prejudiced, all case activity, including the filing of all testimony, is hereby suspended until a future Order is issued. When a revised hearing date is determined, an Order will be issued to advise the parties as to the dates for filing testimony and other critical activities.

DOCUMENT NUMBER-DATE
09414 SEP 13 ⁵⁵
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