

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to establish new standard offer contract for qualifying cogeneration and small power production facilities by Tampa Electric Company.

DOCKET NO. 981893-EQ  
ORDER NO. PSC-99-0657-PCO-EQ  
ISSUED: April 6, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER SUSPENDING TAMPA ELECTRIC COMPANY'S  
STANDARD OFFER CONTRACT AND ASSOCIATED TARIFFS

BY THE COMMISSION:

Our cogeneration rules, Rules 25-17-.080 through .091, Florida Administrative Code, require investor-owned utilities to file a standard offer contract for the purchase of firm capacity and energy from small qualifying facilities. Pursuant to this requirement, on December 18, 1998, Tampa Electric Company (TECO) filed its Petition to Establish a New Standard Offer Contract for Qualifying Cogeneration and Small Power Production Facilities. TECO based its proposed Standard Offer Contract on a combustion turbine (CT) unit with an in-service date of 2003 even though according to TECO's August, 1998, Ten Year Site Plan its next planned unit is a CT with an in-service date of 2001. TECO stated that the use of the 2001 CT would not allow sufficient time to process its petition and sign Standard Offer Contracts prior to commencing construction on the unit.

Commission staff disagreed with TECO's arguments and submitted a recommendation on the policy issue of whether a utility should use its next planned generation unit as the basis for its Standard Offer Contract. On January 19, 1999, prior to our ruling on the recommendation, TECO amended its filing to reflect the 2001 CT.

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We are reviewing TECO's amended filing and need additional time to complete the analysis. In addition, we are also awaiting responses from TECO regarding several issues raised. Until TECO's responses are received and the analysis is completed, Tampa Electric Company's Standard Offer Contract and associated tariffs shall be suspended.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company's Standard Offer Contract and associated tariffs are suspended.

ORDERED that this docket shall remain open pending a final decision on Tampa Electric Company's tariffs.

By ORDER of the Florida Public Service Commission this 5th day of April, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( 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.