

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of solar energy power purchase agreement between Tampa Electric Company and Energy 5.0, LLC. || DOCKET NO. 090109-EI
ORDER NO. PSC-10-0138-PCO-EI
ISSUED: March 10, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER VACATING ORDER NO. PSC-10-0057-PAA-EI
AND SETTING MATTER DIRECTLY TO HEARING

BY THE COMMISSION:

On March 9, 2009, Tampa Electric Company (TECO or Company) filed a petition requesting approval of a solar energy purchased power agreement (Contract) with Energy 5.0, LLC (Energy 5.0). At the December 15, 2009, Agenda Conference, this Commission voted to approve the solar energy purchased power agreement between TECO and Energy 5.0. Our decision was memorialized by proposed agency action (PAA) Order No. PSC-10-0057-PAA-EI, issued January 25, 2010.

At the January 26, 2010, Agenda Conference, a Commissioner requested that our decision be placed on the next available Agenda Conference for further discussion and TECO and Energy 5.0 were notified that this would take place. At the February 9, 2010, Agenda Conference, after a properly seconded motion, the floor was opened for discussion. After hearing comments from the affected parties and discussing the merits of our prior decision, we voted to reconsider our prior decision, vacate PAA Order No. PSC-10-0057-PAA-EI, and set this matter for an evidentiary hearing. At the time of our decision, the protest period had not expired, nor had the PAA Order been consummated.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-10-0057-PAA-EI, issued January 25, 2010, is hereby granted and vacated. It is further

ORDERED that this matter shall be set for an evidentiary hearing. It is further

ORDERED that this docket shall remain open.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 10th day of March, 2010.

ANN COLE
Commission Clerk

By: 
Dorothy E. Menasco
Chief Deputy Commission Clerk

(S E A L)

ELS

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 25-22.0376, 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.