

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for expedited) DOCKET NO. 970096-EQ
approval of agreement with Tiger) ORDER NO. PSC-97-0354-PCO-EQ
Bay Limited Partnership to) ISSUED: March 31, 1997
purchase Tiger Bay cogeneration)
facility and terminate related)
purchased power contracts by)
Florida Power Corporation.)

ORDER DENYING PETITION TO INTERVENE
AND
REQUEST FOR ORAL ARGUMENT

On January 22, 1997, Florida Power Corporation (FPC) petitioned this Commission to approve its Agreement to Purchase the Tiger Bay Cogeneration Facility and Terminate Related Purchased Power Contracts. On February 6, 1997, Vastar Gas Marketing, Inc., (Vastar) filed a Petition for Leave to Intervene and a Request for Oral Argument in this docket.

In its Petition to Intervene, Vastar alleges that the purchase of the Tiger Bay facility may alter the terms of Vastar's gas sales agreement with Tiger Bay Limited Partnership and Vastar's rights therein. Vastar further requests that the Commission refrain from addressing FPC's petition until Vastar has consented, if at all, to the pending contracts.

In its Petition, Vastar alleges no constitutional or statutory right to intervention. Further, Vastar has failed to show that its substantial interests are being determined in this proceeding. The interests asserted by Vastar are not interests this proceeding is intended to protect. Accordingly, Vastar's Petition to Intervene is hereby denied. In addition, Vastar's Request for Oral Argument on its Petition is also denied.

Based on the foregoing, it is

ORDERED by Commissioner Diane K. Kiesling, as Prehearing Officer, that Vastar Gas Marketing, Inc.'s, Petition for Leave to Intervene is denied. It is further

ORDERED that Vastar Gas Marketing, Inc.'s Request for Oral Argument is denied.

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

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By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 31st day of March, 1997.


DIANE K. KIESLING, Commissioner and
Prehearing Officer

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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.

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.