

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of joint  
termination of settlement agreement by Tampa  
Electric Company and Mosaic Fertilizer, LLC.

DOCKET NO. 150262-EU  
ORDER NO. PSC-16-0065-PAA-EU  
ISSUED: February 5, 2016

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
RONALD A. BRISÉ  
JIMMY PATRONIS

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING JOINT TERMINATION OF SETTLEMENT AGREEMENT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Background

On December 10, 2015, Tampa Electric Company (Tampa Electric) and Mosaic Fertilizer, LLC (Mosaic) filed a joint petition requesting approval of joint termination of a settlement agreement (agreement) entered into on October 21, 2003.<sup>1</sup> Mosaic is in the business of mining and processing phosphate, and manufacturing fertilizer. Mosaic owns and operates several qualifying cogeneration facilities that produce energy for Mosaic's internal use and sells excess energy to Tampa Electric. Mosaic's qualifying facilities typically take service under Tampa Electric's interruptible standby rate schedules. A customer taking service under an interruptible rate schedule is subject to interruption whenever any portion of such energy is needed by the utility for the requirements of firm customers.

The agreement required Tampa Electric to purchase energy generated by Mosaic's Riverview, Green Bay, or Bartow qualifying facilities and simultaneously sell an equivalent

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<sup>1</sup> Order No. PSC-03-1256-AS-EQ, issued November 6, 2003, in Docket No. 020898-EQ, In re: Petition by Cargill Fertilizer, Inc. for permanent approval of self-service wheeling to, from, and between points with Tampa Electric Company's service area. Mosaic is the successor to Cargill under the agreement.

amount of energy to these facilities as directed by Mosaic. This would allow Mosaic to avoid service interruptions or the need to purchase optional power and to cover planned and unplanned maintenance outages. Absent the agreement, a qualifying facility that is not selling power to Tampa Electric is subject to interruptions pursuant to the interruptible standby rate schedule.

Although the ending date of the agreement was December 31, 2007, the terms of the agreement provided that it would continue for successive one-year terms until and unless it is terminated with one year's written notice by either party to the other party.

We have jurisdiction over this matter pursuant to Sections 366.04, 366.05, 366.051, and 366.075, Florida Statutes (F.S.).

### Decision

We have reviewed the copy of the order approving the agreement and a copy of the parties' joint termination agreement attached as Exhibit A and Exhibit B to the petition. The parties have executed a joint termination of agreement which waives the one-year notice required by the agreement and request approval of the joint termination of the agreement. The parties have agreed to terminate the agreement and neither party requires the one year's prior written notice. We find that the agreement only impacts Tampa Electric and Mosaic and does not affect Tampa Electric's general body of ratepayers. Pursuant to the terms of the agreement, Mosaic will continue to be able to sell excess power to Tampa Electric; however, Tampa Electric will not be required to sell an equivalent amount of power to Mosaic during periods of interruption. For the foregoing reasons, the joint petition of Tampa Electric and Mosaic to terminate their agreement shall be approved.

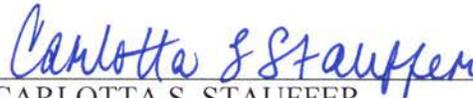
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint petition for approval of the joint termination of settlement agreement by Tampa Electric Company and Mosaic Fertilizer, LLC., is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of February, 2016.



CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MFB

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 that is available under Section 120.57, 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 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 26, 2016.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.