

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint petition of) DOCKET NO. 950385-EI
Florida Power Corporation and) ORDER NO. PSC-95-0714-FOF-EI
Tampa Electric Company for) ISSUED: June 13, 1995
approval of provision of)
temporary auxiliary power)
service by Tampa Electric)
Company to a current Florida)
Power Corporation customer.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING PROVISION OF TEMPORARY AUXILIARY POWER SERVICE

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.

DECISION

On April 6, 1995, Florida Power Corporation (FPC) and Tampa Electric Company (TECO) filed a joint petition to allow TECO to provide auxiliary service to Mad Hatter Utility, Inc.'s (Mad Hatter) Foxwood facility in Pasco County, pursuant to their Commission approved territorial agreement which was approved by the Commission in Order No. 24593, issued May 29, 1991.

In Section 2.3 of FPC's and TECO's territorial agreement, the parties concurred that one utility may request in writing and the other utility may in its discretion agree to provide temporary service. Such service shall be submitted to the Commission for approval. The Florida Department of Environmental Protection (DEP) requires that facility to have backup power installed at the water treatment plants that it operates in Pasco County. Pursuant to

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FPSC-RECORDS/REPORTING

Rule 62-555.320(6), Florida Administrative Code, Mad Hatter is required to ensure dependability by maintaining auxiliary power with auto start-up, operated at least once per month continuously for four hours under load. To meet this requirement, Mad Hatter could install power generators and switchover units at an estimated cost of \$90,000, or FPC could construct an additional feeder to the plant. Based upon projected growth, FPC has estimated that installing the additional 12,000 feet of three-phase line along State Road 54 to the Foxwood facility, at a cost of \$216,000, would not be cost effective for another five years. Therefore, in lieu of self-generating, Mad Hatter proposed, and DEP agreed, to connect the Foxwood facility to TECO's distribution system. This option will cost approximately \$2,300, and would satisfy DEP's requirements until FPC can install the necessary equipment to provide dual feed service to the facility. Based on timing and economics, we agree that Mad Hatter's proposal is the most practical choice, and it appears to be the type of service that was contemplated in Section 2.3 of FPC's and TECO's territorial agreement.

TECO will remain connected to Mad Hatter's Foxwood facility until FPC can economically install the necessary equipment to provide the Foxwood facility with dual feed service. At that time, TECO will disconnect its service line and once again abide by the terms and conditions of the territorial agreement. As we mentioned above, FPC has estimated that such service to the Foxwood facility will not be feasible for another five years. Within that time period, FPC anticipates that the area will have developed sufficiently and will require additional electrical equipment that would also be used to serve the Foxwood facility. Therefore, we direct FPC and TECO to file a report within five years from the date of this Order indicating the current condition of the auxiliary power arrangement. This will allow our staff to remain apprised of the status of the auxiliary power arrangement.

We conclude that FPC's and TECO's joint request minimizes cost to the customer, avoids placing undue burden upon either utility and is in the public interest. Therefore, we approve FPC's and TECO's request to allow TECO to provide temporary auxiliary power service to Mad Hatter.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the joint request by Florida Power Corporation and Tampa Electric Company to provide temporary auxiliary power service to Mad Hatter Utility, Inc.'s Foxwood facility is approved. It is further

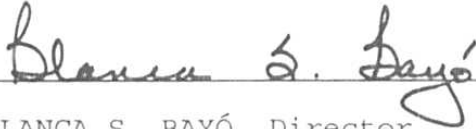
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ORDERED that Florida Power Corporation and Tampa Electric Company shall, within five years of the date of this Order, file a report on the status of the temporary auxiliary power service. It is further

ORDERED that this Order shall become final and effective and this docket shall be closed unless an appropriate petition for formal proceedings is received by the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review. It is further

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

By ORDER of the Florida Public Service Commission, this 13th day of June, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MCB/MTR

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 05, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.