

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to resolve) DOCKET NO. 940546-EU
territorial dispute with South) ORDER NO. PSC-96-0428-PCO-EU
Florida Cogeneration Associates) ISSUED: March 26, 1996
by Florida Power and Light)
Company)
_____)

ORDER GRANTING MOTION TO CONTINUE HOLDING
PROCEEDINGS IN ABEYANCE

On November 14, 1994, South Florida Cogeneration Associates (South Florida), the respondent in this territorial dispute proceeding, filed a Motion to Hold Proceedings in Abeyance. In support of its motion South Florida stated that its cogeneration facility experienced a forced outage on September 9, 1994, due to the failure of a major engine component. The plant ceased operating at that time, and was not expected to operate again in the foreseeable future. South Florida's motion was granted in Order No. PSC-94-1509-PCO-EU, issued December 8, 1994. The proceedings were held in abeyance for a year, and the parties were directed to file a status report at the end of that year.

In compliance with Order No. PSC-94-1509-PCO-EU, the parties filed a Joint Status Report and Motion to Continue Holding Proceeding in Abeyance on December 18, 1996. They stated in their report that the cogeneration facility is still not operating. They also reported that they were engaged in discussions that could lead to a comprehensive settlement of the various disputes between them, including this territorial dispute. They asked that this case be held in abeyance for 90 additional days pending the settlement negotiations.

After the motion was filed, the parties did in fact reach a comprehensive settlement of all their disputes. The settlement is a multi-faceted arrangement that also involves a proposal that Florida Power and Light (FPL) buy-out its 65 MW standard offer contract with Cypress Energy. FPL has petitioned the Commission for approval of the buy-out proposal and the settlement with South Florida in Docket No. 960182-EQ. The agreement to resolve the issues in this case is conditioned upon the Commission's approval of all aspects of FPL's petition. The Commission is scheduled to consider FPL's petition at its June 11, 1996, Agenda Conference, with a Proposed Agency Action Order to be issued by July 1, 1996. The parties have orally amended their Motion to ask that the proceedings in this case be held in abeyance until the Commission's decision in Docket No. 960182-EQ is final.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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In the interest of administrative efficiency, and in consideration of the circumstances described above, it is hereby

ORDERED that the parties' Joint Motion to Continue Holding Proceeding in Abeyance is granted until the Commission's decision in Docket No. 960182-EQ is final.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 26th day of March, 1996.


SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

MCB

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.

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 25-22.038(2), 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

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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.