

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Planning Hearings on load) DOCKET NO. 920004-EU
forecasts, generation expansion) ORDER NO. PSC-92-0207-FOF-EU
plans, and cogeneration prices) ISSUED: 4/14/92
for Florida's electric utilities.)
_____)

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER APPROVING AS-AVAILABLE TARIFFS

BY THE COMMISSION:

Order 23625 issued October 16, 1990, required the major electric investor-owned utilities to revise the contracts and tariffs they use to purchase electricity from QFs to conform to revisions in Rules 25-17.080-.090, Florida Administrative Code.

Following the issuance of Order No. 24989 approving the standard offer contracts and tariffs for the purchase of firm capacity and energy, the utilities were given an opportunity to update their as-available tariffs. The as-available filings were suspended November 18, 1991 by Order No. 25355 to allow us to analyze the tariffs and track their compliance with our rules and orders.

Florida Power Corporation's proposed tariff for the purchase of as-available energy somewhat mirrors its tariff for the purchase of firm capacity and energy which we approved in Order No. 24989. Both tariffs include a contract, interconnection agreement, and price schedules. In some respects however, the tariffs are different. This is because as-available energy is produced and sold by a qualifying facility on an hour-by-hour basis for which contractual commitment as to the quantity, time, or reliability of delivery are not required.

Therefore, the proposed tariff does not exactly mirror FPC's tariff for the purchase of firm capacity and energy. Instead certain language concerning reliability of delivery, which appears in the firm tariff, has been deleted from the as-available tariff. We find that the terms and conditions of FPC's proposed as-available tariff conform to all applicable rules, as well as to our prior rulings in this docket.

DOCUMENT NUMBER-DATE

03692 APR 14 1992

FPC-RECORDS/REPORTING

It is therefore

ORDERED by the Florida Public Service Commission that the tariffs for the purchase of as-available energy and/or parallel operation with a qualifying facility (tariff sheets 9.100 to 9.330), filed by Florida Power Corporation, and suspended by this Commission in Order No. 25355, are hereby approved. It is further

ORDERED that the tariffs for the purchase of as-available energy and/or parallel operation with a qualifying facility (tariff sheets 9.100 to 9.330), as approved above, shall become effective March 31, 1992. It is further

ORDERED that this Order shall become final unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this 14th day of April, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MAP:bmi

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.

ORDER NO. PSC-92-0207-FOF-EU
DOCKET NO. 920004-EU
PAGE 3

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 5, 1992.

In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

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 on the date described above, any party adversely 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 sewer 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 date this Order becomes final, 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.