

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval) DOCKET NO. 920977-EQ
of a contract between General) ORDER NO. PSC-92-1322-PCO-EQ
Peat Resources, L.P. and) ISSUED: 11/16/92
Florida Power and Light Comp-)
any for the purchase of firm)
capacity energy)
_____)

ORDER GRANTING FPL'S MOTION TO ABATE

Pursuant to Rule 25-17.0832(8), Florida Administrative Code, General Peat Resources, L.P. (General Peat), Destec Energy, Inc. (Destec), and The EcoPeat Company (SFP), L.P. (EcoPeat) (hereinafter the Petitioner), filed a petition on September 28, 1992. This petition concerns the Commission's consideration of a negotiated contract between the Petitioner and Florida Power and Light Company (FPL) for the purchase of 52 MW of firm capacity and energy, executed on August 13, 1990.

On October 19, 1992, FPL filed a Motion to Abate this proceeding pursuant to Rule 25-22.037(2), Florida Administrative Code. FPL argued that the parties should be given an opportunity to work out several outstanding issues before the 52 MW contract is considered by the Commission. The Petitioner filed a Response in Opposition to FPL's Motion to Abate on October 26, 1992.

The parties should work out any outstanding issues before the Commission considers this contract. Accordingly, this docket shall be abated for sixty days from the issuance date of this Order, during which time the Petitioner and FPL shall meet and discuss the matters at issue between the parties.

During the next sixty days, the Commission's technical and legal staff who are assigned to this docket shall be copied on all correspondence between FPL and the Petitioner. Furthermore, the Commission's technical and legal staff shall be given the opportunity to attend all meetings between FPL and the Petitioner. At the end of this sixty day period, the Petitioner and FPL shall jointly file a report with the Commission relating the activities of the past 60 days concerning the 52 MW negotiated contract, specifically stating the progress that has been made between the parties.

DOCUMENT NUMBER-DATE

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F-PSC-RECORDS/REPORTING

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It is, therefore,

ORDERED by Susan F. Clark, as Commissioner and Prehearing Officer, that Docket No. 920977-EQ shall be abated for 60 days from the issuance date of this Order. It is further

ORDERED that during this 60 day period of abatement, Florida Power and Light and General Peat Resources, L.P., Destec Energy, Inc., and The EcoPeat Company (SFP), L.P. shall meet and discuss the 52 MW negotiated contract as discussed in the body of this Order. It is further

ORDERED that 60 days from the issuance date of this Order, the parties shall jointly file a report with the Commission as described above.

By ORDER of Susan F. Clark, as Commissioner and Prehearing Officer, this 16th day of November, 1992.


SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

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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.

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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 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.