



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: FEBRUARY 9, 1995
 TO: ALL PARTIES TO DOCKET NO. 940797-EU
 FROM: MARTHA CARTER BROWN MCB
 RE: PROCEDURAL STATUS OF THE DOCKET

On October 27, 1994, Tiger Bay Limited filed a Motion to Intervene in this case. Tiger Bay's motion also included a request for a formal evidentiary proceeding to decide the issues presented by Florida Power Corporation's petition. Staff had originally contemplated processing the case as a Proposed Agency Action, but because of Tiger Bay's request, we arranged a hearing date and developed a hearing schedule. No other intervenor has requested a formal proceeding, and Tiger Bay withdrew its request on December 2, 1994. Now that the Commission has decided to hear the case, it is time to consider which procedural mode to follow. I have discussed the idea of cancelling the hearing and proceeding as proposed agency action informally with most of the parties and with the Commission's technical staff. It appears to me that there is a clear consensus that we should do this case as a PAA, but I would like confirmation of that from all the parties. Rather than calling everyone up here for a meeting, I thought it would be quicker to fax this memo on the subject.

My proposal is this: We will investigate FPC's petition and take a PAA recommendation to the Commission on the policy question of what kind of changes to cogeneration contracts need to be brought to the Commission for further review. At that time we will also identify the specific contracts that the Commission should review. We will keep the docket open and file additional PAA recommendations on whether the modifications to the individual contracts should be approved, either as separate PAA orders for each contract, or as one PAA order with severable provisions. This would, I believe, be more convenient for the parties to different contracts.

Testimony is scheduled to be filed in the case next week, and I would like to change the case schedule before then. Therefore, I would ask that the attorney representing each party in this case fax me a written response to my proposal by the close of business Monday, February 13. If I do not receive a positive response from all parties I will not change the case procedure.

I look forward to hearing from all of you as soon as possible.

MCB/js

DOCUMENT NUMBER-DATE

01567 FEB-95

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