

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**VASTAR GAS MARKETING, INC.,**

Petitioner, Appellant.

Case No. \_\_\_\_\_

v.

Filed: June 12, 1997

**JULIA L. JOHNSON, as Chairman,  
Florida Public Service Commission;  
DIANE K. KIESLING, as Commissioner,  
Florida Public Service Commission;  
J. TERRY DEASON, as Commissioner,  
Florida Public Service Commission;  
SUSAN F. CLARK, as Commissioner,  
Florida Public Service Commission;  
JOE GARCIA, as Commissioner,  
Florida Public Service Commission;**

Appellees,

and

**FLORIDA POWER CORPORATION,  
TIGER BAY LIMITED PARTNERSHIP,  
FLORIDA INDUSTRIAL POWER USERS  
GROUP, and OFFICE OF PUBLIC  
COUNSEL,**

Respondents, Appellees.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
LIN \_\_\_\_\_  
OPT \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

In Re: Petition for expedited approval of an agreement to purchase the Tiger Bay cogeneration facility and terminate related purchased power contracts by Florida Power Corporation.

Docket No. 970096-EQ

**VASTAR GAS MARKETING, INC.'S NOTICE OF APPEAL**

NOTICE IS GIVEN that Petitioner, Appellant, Vastar Gas Marketing, Inc.

("VGM"), appeals to the Florida Supreme Court Order No. PSC-97-0546-FOF-EQ of the

DOCUMENT NUMBER-DATE

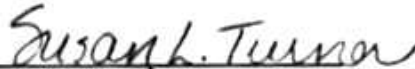
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FPSC-RECORDS/REPORTING

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*[Signature]*  
PSC-BUREAU OF RECORDS

Florida Public Service Commission (the "Commission") rendered May 13, 1997, a copy of which is attached. The nature of the order is a final order denying VGM's Emergency Motion for Reconsideration of the hearing officer's order denying VGM's Petition for Leave to Intervene in this docket as a party.

Respectfully submitted,



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**Attorneys for Vastar  
Gas Marketing, Inc.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of Vastar Gas Marketing, Inc.'s Notice of

Appeal was furnished by U.S. Mail to the following this 12th day of June, 1997:

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Counsel for Office of Public Counsel

  
Susan L. Turner

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for expedited ) DOCKET NO. 970096-EQ  
approval of agreement with Tiger ) ORDER NO. PSC-97-0546-FOF-EQ  
Bay Limited Partnership to ) ISSUED: May 13, 1997  
purchase Tiger Bay cogeneration )  
facility and terminate related )  
purchased power contracts by )  
Florida Power Corporation. )

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING EMERGENCY MOTION FOR RECONSIDERATION OF  
ORDER NO. PSC-97-0354-PCO-EQ AND  
GRANTING REQUEST FOR ORAL ARGUMENT

On January 20, 1997, Florida Power Corporation ("FPC") and FPC Acquisition, L.L.C., and Tiger Bay Limited Partnership ("TBLP") entered into a Purchase Agreement pursuant to which FPC proposes to purchase, own, and operate all of TBLP's assets associated with TBLP's gas-fired combined cycle cogeneration facility located near Fort Meade in Polk County, Florida (the "Project").

On January 22, 1997, FPC petitioned us to approve its Agreement to Purchase the Tiger Bay Cogeneration Facility and Terminate Related Purchased Power Contracts (Docket No. 970096-EQ). On February 6, 1997, Vastar Gas Marketing, Inc. ("Vastar") filed a Petition for Leave to Intervene and a Request for Oral Argument in this docket. On February 18, 1997 FPC filed a response to Vastar's Petition for Leave to Intervene which neither supported, nor opposed Vastar's motion.

The Prehearing Officer, on March 31, 1997, issued Order No. PSC-97-0354-PCO-EQ denying Vastar's Petition for Leave to Intervene and Request for Oral Argument. On April 3, 1997 Vastar filed an Emergency Motion for Reconsideration of Order No. PSC-97-0354-PCO-EQ ("Motion") and a separate request for Oral Argument.

ORDER NO. PSC-97-0546-FOF-EQ  
DOCKET NO. 970096-EQ  
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On April 17, 1997, before the hearing in this docket, we addressed Vastar's Motion and Request for Oral Argument. Vastar's Request for Oral Argument was granted. However, in its Oral Argument and in its motion, Vastar failed to identify some material and relevant point of fact or law which was overlooked, or which the Prehearing Officer failed to consider in rendering Order No. PSC-97-0354-PCO-EQ. Therefore, we find that Vastar's Emergency Motion for Reconsideration of Order No. PSC-97-0354-PCO-EQ should be denied.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Vastar Gas Marketing, Inc.'s Emergency Motion for Reconsideration of Order No. PSC-97-0354-PCO-EQ is denied. It is further

ORDERED that this docket remain open.

By ORDER of the Florida Public Service Commission, this 13th day of May, 1997.

/s/ Blanca S. Bayó \_\_\_\_\_

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/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 after the issuance 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.