



Public Service Commission

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RECORDS AND REPORTING

DATE: MARCH 22, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF ECONOMIC REGULATION (E. DRAPER) EJD DU CRT
DIVISION OF SAFETY AND ELECTRIC RELIABILITY (BOHRMANN, TB
BREMEN, FUTRELL) MF TB WMM JS
DIVISION OF LEGAL SERVICES (WART) ~~W~~ RVE RZ

RE: DOCKET NO. 001287-EI - PETITION FOR APPROVAL OF A SPECIAL CONTRACT WITH IMC PHOSPHATES COMPANY FOR PROVISION OF INTERRUPTIBLE ELECTRIC SERVICE BY TAMPA ELECTRIC COMPANY.

AGENDA: 4/3/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\ECR\WP\001287.RCM

CASE BACKGROUND

On August 31, 2000, Tampa Electric Company (TECO) filed a petition for approval of a special contract with IMC Phosphates Company (IMC) for the provision of interruptible electric service. On November 7, 2000, IMC filed a Petition to Intervene in this docket. That petition was granted by Order No. PSC-00-2310-PCO-EI, issued December 4, 2000. On November 20, 2000, TECO filed an Emergency Motion for Authorization to Implement a Special Contract for Interruptible Electric Service and Associated Proposed Regulatory Treatment on an Interim Basis.

At the December 19, 2000, Agenda Conference, the Commission denied the proposed special contract. See Order No. PSC-01-0104-PAA-EI, issued January 17, 2001.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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On February 7, 2001, IMC filed a Petition for Formal Proceeding on Proposed Action in Order No. PSC-01-0104-FOF-EI. In its Petition, IMC requested the following relief: (1) that the contract between IMC and TECO be approved; (2) that the contract be approved as of August 1, 2000; and (3) that the Commission determine that mediation is available in this proceeding under the provisions of Section 120.573, Florida Statutes.

An issue identification meeting was held on March 5, 2001, during which IMC restated its request for mediation. On March 6, 2001, TECO withdrew its original petition that initiated this docket.

The Commission has jurisdiction over the subject matter pursuant to Sections 366.05(1), 366.06, and 366.07, Florida Statutes.

DISCUSSION OF ISSUE

ISSUE 1: Should this docket be closed?

RECOMMENDATION: Yes. [E. DRAPER, HART]

STAFF ANALYSIS: On February 7, 2001, IMC filed its protest of PAA Order No. PSC-01-0104-FOF-EI. Pursuant to Section 120.80(13)(b), Florida Statutes, issues in the proposed action which are not in dispute are deemed stipulated. However, IMC protested the PAA Order in its entirety. Consequently, the entire order was rendered a nullity, and the findings therein are of no force and effect.

Because TECO withdrew the petition that was the subject of this docket, there are no pending issues for the Commission to address. This docket should therefore be closed.