

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Cargill
Fertilizer, Inc. for permanent
approval of self-service
wheeling to, from, and between
points within Tampa Electric
Company's service area.

DOCKET NO. 020898-EQ
ORDER NO. PSC-03-0276-PCO-EQ
ISSUED: February 28, 2003

ORDER GRANTING JOINT MOTION TO
HOLD PROCEDURAL SCHEDULE IN ABEYANCE

By Order No. PSC-02-1518-PCO-EQ, issued November 5, 2002, granting Tampa Electric Company's (TECO) Motion to Hold the Procedural Schedule in Abeyance, the procedural schedule was temporarily suspended, including those dates pertaining to discovery, and the parties were encouraged to proceed with mediation as soon as practicable after the Federal Energy Regulatory Commission (FERC) acted on TECO's tariff filing at the federal level. That Order also found that Cargill Fertilizer, Inc.'s (Cargill) Motion for Order Compelling Expedited Discovery filed October 18, 2002, did not need to be ruled upon at that time, and that if the parties were unsuccessful in their attempts to mediate this matter, the discovery process would resume, at which time Cargill could respond to TECO's objections to Cargill's discovery requests filed on October 24, 2002.

FERC has since issued its ruling on TECO's federal tariff filing, and the parties have advised this Commission that they have attempted to settle the matter informally, albeit thus far, unsuccessfully. The parties have requested that the Commission convene an informal status conference to address the topic of formal mediation.¹ A status conference has been scheduled to take place on March 7, 2003.

On February 24, 2003, the parties filed a Joint Motion to Hold the Procedural Schedule in Abeyance, in which they request that the

¹Letters regarding the parties' attempts to settle the case and the initiation of formal mediation were filed by Cargill on February 7 and 12, 2003, and by TECO on February 11, 2003.

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procedural schedule in this case be further abated for a reasonable period of time to enable the parties to allow time for further settlement discussions and mediation, if necessary.

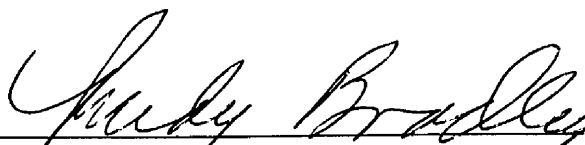
The relief requested will conserve the resources of the parties and this Commission, particularly if further settlement negotiations or formal mediation is successful. The Joint Motion to Hold the Procedural Schedule in Abeyance is therefore granted, and all procedural dates scheduled in this docket shall be temporarily suspended. The parties are strongly encouraged to continue their efforts to settle this case, either informally or through formal mediation. A new hearing date shall be reserved in the event that a hearing is needed after such settlement efforts are exhausted.

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the Joint Motion by Tampa Electric Company and Cargill Fertilizer, Inc. to Hold the Procedural Schedule in Abeyance is granted. It is further

ORDERED that a new hearing date shall be reserved in the event that a hearing is needed after such settlement efforts are exhausted.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 28th day of February, 2003



RUDOLPH "RUDY" BRADLEY
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 120.569(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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.