

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of	)	DOCKET NO. 890512-EQ
cogeneration contract between Florida	)	
Power Corporation and Sun Bank of	)	ORDER NO. 21948
Tampa Bay, Madison County facility.	)	
	)	ISSUED: 9-27-89
	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER ACKNOWLEDGING CONTRACT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On April 14, 1989, Florida Power Corporation (FPC) submitted a petition requesting approval of a standard offer contract dated April 5, 1989, between it and Sun Bank of Tampa Bay for the sale of cogenerated power from Sun Bank's Madison County facility. Sun Bank's facility is a qualifying facility (QF) pursuant to Rule 25-17.080, Florida Administrative Code. The facility is a 9,375 KVA synchronous generation facility designed to produce a maximum of 7.969 MW and is located about 5.0 miles north of Madison. Sun Bank has committed all generated capacity from this facility to FPC beginning on or about January 1, 1990.

This is FPC's current standard offer contract incorporating its COG-2 tariff and meets the definition of a standard offer contract found in Rule 25-17.083(3). That being the case, firm energy and capacity payments made pursuant to this contract are recoverable through the Fuel and Purchase Power Cost Recovery Clause by FPC by operation of Rule

DOCUMENT NUMBER-DATE  
 09661 SEP 27 1989  
 FPSC-RECORDS/REPORTING

ORDER NO. 21948  
DOCKET NO. 890512-EQ  
PAGE 2

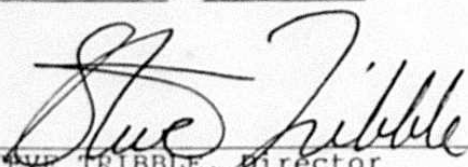
25-17.083(8), Florida Administrative Code. We note, however, that over the term of the contract, the stream of revenues associated with this standard offer is less than the year-by-year value of deferring FPC's next planned unit addition, a 150 MW combustion turbine unit with an in-service date of 1994.

Based on the above, it is

ORDERED by the Florida Public Service Commission that the petition of Florida Power Corporation is hereby granted and the standard offer contract between Florida Power Corporation and Sun Bank of Tampa Bay for its Madison County facility is acknowledged. It is further

ORDERED that the payments made pursuant to this contract shall be recoverable by Florida Power Corporation through the Fuel and Purchased Power Cost Recovery Clause in accord with Rule 25-17.083(5), Florida Administrative Code.

By Order of the Florida Public Service Commission this, 27th day of SEPTEMBER, 1989.

  
\_\_\_\_\_  
STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

SBr

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.

ORDER NO. 21948  
DOCKET NO. 890512-EQ  
PAGE 3

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on October 17, 1989.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer 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 of the effective date 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.