

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Joint petition of Seminole Electric Co-)	DOCKET NO. 880309-EC
operative, Inc., TECO Power Services)	
Corporation and Tampa Electric Company)	ORDER NO. 22590
for a determination of need for proposed)	
electric power plant.)	ISSUED: 2-21-90
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING MOTION FOR CLARIFICATION

BY THE COMMISSION:

On January 8, 1990, Seminole Electric Cooperative, Inc. (SEC), TECO Power Services (TPS) and Tampa Electric Company (TECO) filed a joint motion for clarification of Order No. 22235, the final order on need determination in this docket. The parties have requested that the Commission clarify what is intended by the "conditions" listed on page 11 of the order, i.e., whether the need determination granted to these parties would be automatically invalidated if the conditions set forth were not met. The parties have proposed language which would indicate that the need determination would be subject to Commission review, not automatic invalidation, if these conditions are not met. The parties are specifically concerned about the conditions which require that the terms of the wholesale contracts be approved by FERC as written and that the transmission and gas lateral lines be constructed at costs which do not exceed those found in the record developed at the hearings in this docket.

Having reviewed the motion and found it to have merit, we make the following clarifying findings:

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Our intent in Order No. 22335 is not to have the need determination automatically invalidated by any change in the wholesale contracts discussed therein. Instead, the intent of such order is to require that the parties notify the Commission of any change in such contracts, after which we will take whatever action, if any, we consider appropriate.

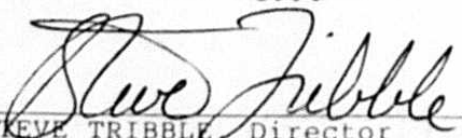
Further, our intent in Order No. 22335 is not to set a cap on the cost of the transmission lines or natural gas lateral or to have the need determination automatically invalidated if those costs exceed the estimates in the record of the proceeding by any particular amount. Instead, our intent is to monitor the cost of these facilities by requiring that the parties notify the Commission within twelve months after the in-service date of the facilities. After receiving such report, we will take whatever action, if any, we consider appropriate.

Therefore, it is

ORDERED by the Florida Public Service Commission that the joint motion for clarification filed by Seminole Electric Cooperative, Inc., TECO Power Services Corporation and Tampa Electric Company on January 8, 1990 is hereby granted. It is further

ORDERED that Order No. 22335, issued on December 22, 1989, should be clarified as stated in the body of this order.

By Order of the Florida Public Service Commission
this 21st day of FEBRUARY, 1990.


STEVE TRIBBLE Director
Division of Records and Reporting

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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.

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 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 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 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.