

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Planning Hearings on Load)
 Forecasts Generation Expansion)
 Plans, and Cogeneration Prices)
 for Florida's Electric Utilities.)

DOCKET NO. 910004-EU
 ORDER NO. 24556
 ISSUED: 5/20/91

ORDER DELINEATING ISSUES

At the Prehearing Conference on Friday, May 10, 1991, each of the parties represented that the issues set forth in the draft Prehearing Order were stated correctly and also that their positions were stated accurately. Several of the parties have requested that additional issues be included. Those parties are Falcon Seaboard Power Corporation (Falcon), Nassau Power Corporation (Nassau), Air Products and Chemicals, Inc. (Air Products), and the Florida Industrial Cogeneration Association (FICA).

FALCON/NASSAU

Falcon/Nassau has requested the inclusion of three additional issues which appear on pages 204 and 205 of the draft prehearing order. These issues are numbered 202, 203 and 204. I have carefully examined these issues and have determined that proposed issues 202 and 203 are embodied in existing issue 15, and proposed issue 204 is embodied in existing issues 17. Therefore, Nassau's request for the inclusion of three additional issues is denied.

AIR PRODUCTS

Issue 71 appears in the draft Prehearing Order as, "Do FPC's proposed standard offer contract and tariff for the purchase of firm capacity and energy comply with Rule 25-17.0832?" Air Products has requested that similar issues be included to address FPL, Gulf and TECO's standard offer and tariff. This would seem appropriate and we therefore grant Air Products request to include the following issues:

ISSUE 118b: Do FPL's proposed standard offer contract and tariff for the purchase of firm capacity and energy comply with Rule 25-17.0832?

ISSUE 155a: Do Gulf's proposed standard offer contract and tariff for the purchase of firm capacity and energy comply with Rule 25-17.0832?

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ISSUE 191a: Do TECO's proposed standard offer contract and tariff for the purchase of firm capacity and energy comply with Rule 25-17.0832?

FICA

Since the pre-prehearing conference, TECO has filed an amended standard offer contract. FICA has requested the inclusion of four issues which will address several new provisions in TECO's amended standard offer. These issues are appropriate and we grant FICA's request for inclusion of the following issues:

ISSUE 173a: If repayment of completion or performance security is required upon default, should such repayments constitute full liquidated damages to TECO and the utility's sole and exclusive remedy?

ISSUE 178a: Is Section 9.6 of TECO's proposed standard offer contract which requires a QF to obtain FERC certification as a QF prior to the in-service date of the avoided unit reasonable?

ISSUE 180a: Is Section 5.0 of TECO's proposed standard offer contract which requires a QF to provide a projection of energy production for the following year by April 1st, rather than October 1st reasonable?

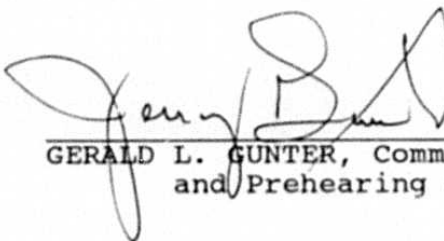
ISSUE 180b: Is Section 5.0 of TECO's proposed standard offer contract which allows TECO not to accept a QFs maintenance outages schedule reasonable?

FICA has also requested that an Issue 118a be added to address FPL's standard interconnection agreement. It would appear that FICA's Issue 118a is embodied in Issue 112. FICA's request to add Issue 118A is therefore denied.

FICA's request to delete Issues 57, 62, 68-70, 73, 74, 88, 115, 119, 131, 136, 140, 156, 169, 174, 175, 188, 191 and 192 is granted. FICA's additional requests to modify the wording of several issues are hereby denied except that typographical errors, and incorrect section numbers pointed out by FICA will be corrected in the prehearing order.

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By ORDER of the Commissioner Gerald L. Gunter, Prehearing
Officer, this 20th day of MAY, 1991.



GERALD L. GUNTER, Commissioner
and Prehearing Officer

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