

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notification of changes)	DOCKET NO. 910633-EU
to power sales contracts by Tampa)	ORDER NO. 24692
Electric Company, Seminole)	ISSUED: 6/21/91
Electric Cooperative, Inc. and)	
Hardee Power I, Inc. formerly)	
known as TECO Power Services)	
Corporation)	
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION

**ORDER ACCEPTING NOTIFICATION OF CHANGES
 TO POWER SALES AGREEMENTS**

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.

Order No. 22335, Final Order on Need Determination, issued December 22, 1989, requires Tampa Electric Company, Seminole Electric Cooperative, Inc. and TECO Power Services, Inc. to notify this Commission of any changes to the power sales agreements so that appropriate action may be taken.

On April 23, 1991 the parties notified this Commission of amendments to the power sales agreements and the assignment by TECO Power Services, Inc. of its rights and obligations under the agreements to Hardee Power Partners, Ltd.

On December 21, 1990, TECO Power Services filed an application pursuant to Section 203 of the Federal Power Act to transfer the power service agreements to Hardee Power Partners Limited and revise the revenue credit provisions of the Rate Schedules.

The Federal Energy Regulatory Commission (FERC) has reviewed and accepted the rates contained in the power sales agreements.

DOCUMENT NUMBER-DATE

06235 JUN 21 1991

REC-RECORDS/REPORTING

ORDER NO. 24692
DOCKET NO. 910633-EU
PAGE 2

TECO Power Services states that the transfer of the power sales agreements to Hardee Power will not affect the rates, terms, or conditions of the agreement.

In the FERC's previous Order Granting Intervention, Denying Rehearing and Accepting Proposed Agreements, issued on November 19, 1990 in FERC Docket No. ER90-164-001, the Commission directed TECO Power Services to revise the revenue credit provisions of these rate schedules.

The revenue credit provisions of these rate schedules originally had provided that the revenues from sales to other utilities would be divided among the parties as follows:

Power Services, 15%; Tampa Electric Company (Tampa Electric), 35%; and Seminole Electric Cooperative, Inc. (Seminole), 50%.

In conformity with the FERC's November 19th order, Power Services revised its Rate Schedules FERC Nos. 1 and 2, respectively, to allocate such revenues as follows:

Tampa Electric, 40%, and Seminole, 60%.

The effect of the above changes from the standpoint of Tampa Electric's Customers is a beneficial one in that Tampa Electric's share of revenues from certain sales to other utilities has been increased from 35% to 40%. Seminole's share has also increased and the 15% share originally allocated to Power Services has been eliminated.

In addition to the revisions to the revenue allocation called for in the FERC Order, which were made in the Second Amendments to the Agreements, some other changes were made to the contracts to correct minor errors, none of which were substantive in nature.

In Order No. 498002, Docket No. EC 91-3-000 the FERC concluded that the proposed transfer of the power sales agreements to the Partnership will be consistent with the public interest. Additionally, a condition of the FERC order states...

"The foregoing authorization is without prejudice to the authority of the Commission or any other regulatory body with respect to rates, services, accounts, valuation, estimates, determinations of cost or any other matter whatsoever now pending or which may

ORDER NO. 24692
DOCKET NO. 910633-EU
PAGE 3

come before this Commission or any other regulatory body in the future."

We find that the proposed changes to the power sales agreements are reasonable and should be approved. We find that the proposed assignment by TECO Power Services, Inc. to Hardee Power Partners, Ltd. should be approved.

Based on the foregoing it is

ORDERED by the Florida Public Service Commission that the proposed changes to the power sales agreements are hereby accepted and approved. It is further

ORDERED that the assignment of its interests in the power sales agreements by TECO Power Services, Inc. to Hardee Power Partners, Ltd. is hereby approved. It is further

ORDERED that if no substantially affected person timely files a request for formal proceeding or notice of appeal this docket shall be closed.

ORDERED that this Order shall become final unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this 21st day of JUNE, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

R V E

71

ORDER NO. 24692
DOCKET NO. 910633-EU
PAGE 4

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.

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 July 12, 1991.

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.

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.