

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Air)	
Products and Chemicals,)	
Inc., for a Declaratory)	DOCKET NO. 920308-EQ
Statement Regarding Public)	
Utility Status of Affiliates)	ORDER NO. PSC-92-0613-FOF-EQ
Involved in Gas Supply)	
Arrangements for Cogeneration)	ISSUED: 07/07/92
Project.)	
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

ORDER ACKNOWLEDGING WITHDRAWAL OF PETITION
AND CLOSING DOCKET

BY THE COMMISSION:

On April 3, 1992, Air Products and Chemicals, Inc. ("Air Products") filed a Petition for Declaratory Statement in which it requested the Commission to enter an order declaring that certain proposed gas supply arrangements for a cogeneration project would not constitute a sale of natural gas to the public and would not subject either Air Products or its gas supply subsidiaries to regulation as public utilities.

Air Products is the developer of a gas-fired cogeneration facility which will receive gas from two subsidiaries. The transfer of gas from the two subsidiaries to the cogeneration project was the subject of the petition.

On June 29, 1992, Air Products filed a Notice of Withdrawal of Petition for Declaratory Statement on the grounds that the recent enactment of Chapter 92-284, Laws of Florida, rendered the petition moot. Section 14 of that law amends the definition of "public utility" in Section 366.02(1), Florida Statutes. Air Products believes that the gas supply arrangements described in its petition fall within the new statutory exclusion.

DOCUMENT NUMBER-DATE

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It is therefore

ORDERED by the Florida Public Service Commission that the Notice of Withdrawal of Petition for Declaratory Statement filed by Air Products and Chemicals, Inc. on June 29, 1992, is hereby acknowledged. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 7th day of July, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Flynn
Chief, Bureau of Records

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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.