

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval) DOCKET NO. 920977-EQ
of a contract between General) ORDER NO. PSC-93-0137-PCO-EQ
Peat Resources, L.P. and) ISSUED: 01/26/93
Florida Power and Light Comp-)
any for the purchase of firm)
capacity energy)
_____)

ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME

Pursuant to Rule 25-17.0832(8), Florida Administrative Code, General Peat Resources, L.P. (General Peat), Destec Energy, Inc. (Destec), and The EcoPeat Company (SFP), L.P. (EcoPeat) (hereinafter the Petitioner), filed a petition on September 28, 1992. This petition concerned the Commission's consideration of a negotiated contract between the Petitioner and Florida Power and Light Company (FPL) for the purchase of 52 MW of firm capacity and energy, executed on August 13, 1990.

On October 19, 1992, FPL filed a Motion to Abate this proceeding pursuant to Rule 25-22.037(2), Florida Administrative Code. The Petitioner filed a Response in Opposition to FPL's Motion to Abate on October 26, 1992. The Motion to Abate was granted, and the parties were given until January 14, 1993, to work out several outstanding issues before the 52 MW contract is considered by the Commission.

On January 15, 1993, the parties filed a Joint Motion for Extension of Time. The parties stated that they had conducted two negotiating sessions, and that substantial progress had been made toward resolving the disputed contract issues. Both parties are of the opinion that an additional 60 days would allow them to reach a mutually agreeable solution to their differences. Because the parties should work out any unresolved issues before the Commission considers this contract, the abatement period for this docket shall be extended for sixty more days from the issuance date of this Order. During this time the Petitioner and FPL shall continue to meet and discuss the matters at issue between the parties.

During the next sixty days, the Commission's technical and legal staff who are assigned to this docket shall continue to be copied on all correspondence and be apprised of all meetings between FPL and the Petitioner. At the end of this sixty day period, the Petitioner and FPL shall jointly file a report with the Commission relating their activities since November 16, 1992, concerning the 52 MW negotiated contract, specifically stating the progress that has been made between the parties.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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It is, therefore,

ORDERED by Commissioner Susan F. Clark, as Prehearing Officer, that the Joint Motion for Extension of Time shall be granted as discussed in the body of this Order. It is further

ORDERED that during this 60 day period of abatement, Florida Power and Light and General Peat Resources, L.P., Destec Energy, Inc., and The EcoPeat Company (SFP), L.P. shall continue to meet and discuss the 52 MW negotiated contract as discussed in the body of this Order. It is further

ORDERED that 60 days from the issuance date of this Order, the parties shall jointly file a report with the Commission as described above.

By ORDER of Commissioner Susan F. Clark, as Prehearing Officer, this 26th day of January, 1993.



SUSAN F. CLARK, Commissioner and
Prehearing Officer

(S E A L)

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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.

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Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.