

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 930466-EI
COG-3 tariff, purchase of power) ORDER NO. PSC-93-0951-FOF-EI
during generation capacity) ISSUED: June 24, 1993
alerts, by Florida and Power)
Company.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On December 4, 1990, Florida Power & Light Company (FPL) filed a petition for approval of an incentive rider for the delivery of as-available energy from qualifying facilities that sell energy during times of a generation capacity alert. Pursuant to Order No. 23999, issued January 17, 1991, in Docket No. 900958-EQ, FPL's petition was approved. The terms and conditions of the incentive payment were set out in a separate tariff schedule, Schedule COG-3, which was to terminate December 31, 1991. Pursuant to Order No. 25694, issued February 5, 1992, in Docket No. 911231-EQ, the Commission voted to extend the termination of the COG-3 tariff until May 2, 1992. By Order No. PSC-92-0246-FOF-EQ, issued April 23, 1992, in Docket No. 911231-EQ, the Commission granted an additional extension for the COG-2 tariff until May 1, 1993.

On April 29, 1993, FPL requested that the COG-3 tariff be made a permanent tariff offering. Since the tariff was first implemented in 1990, the incentive payment to as-available energy producers has been \$2.71/MWH. The terms and conditions of the proposed permanent tariff are the same as those in the temporary offerings. Because our staff needs additional information to evaluate the cost-effectiveness of the COG-3 tariff, we find that the tariff shall be suspended. This docket shall remain open until staff has the necessary information to evaluate the tariff's cost-effectiveness and we decide whether to approve FPL's request to make the COG-3 tariff permanent.

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It is, therefore,

ORDERED by the Florida Public Service Commission that the COG-3 tariff submitted by Florida Power and Light Company on April 29, 1993 shall be suspended so that staff can properly evaluate the tariff's cost-effectiveness.

By ORDER of the Florida Public Service Commission this 24th day of June, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
MAH:bmi

by: Kay Flynn

Chief, Bureau of Records

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This

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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 15, 1993.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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 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 wastewater 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 date this Order becomes final, 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.