

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by the Florida) DOCKET NO. 940320-GU
Division of Chesapeake Utilities) ORDER NO. PSC-94-0541-FOF-GU
Corporation for approval of a) ISSUED: May 10, 1994
gas transportation agreement)
with Polk Power Partners, L.P.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING GAS TRANSPORTATION AGREEMENT

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

BACKGROUND

This Commission in April 1992, approved the Florida Division of Chesapeake Utilities Corporation's (Chesapeake) Large Volume Transportation Service rate schedule and gas transportation agreement with Polk Power Partners, formerly known as Mulberry Energy Company, Inc. (Docket No. 920156-GU, Order No. PSC-92-0201-FOF-GU). In August 1993, the Commission approved a gas transportation agreement between Chesapeake and Polk Power Partners for additional large volume transportation service (Docket No. 930543-GU, Order No. PSC-93-1178-FOF-GU). On March 30, 1994, Chesapeake filed the instant petition for approval of a transportation agreement with Polk Power Partners, L.P. that would supersede the two existing agreements.

DOCUMENT NUMBER-DATE

04502 MAY 10 1994

FPSC-RECORDS/REPORTING

ORDER NO. PSC-94-0541-FOF-GU
DOCKET NO. 940320-GU
PAGE 2

Proposed Transportation Agreement

The proposed transportation agreement between Chesapeake and Polk Power Partners embodies all of the previous terms and conditions of the prior two contracts with two exceptions, the term of the agreement and a requirement of capacity relinquishment.

The original term of the previous agreements was for twenty years ending in the year 2013. The new agreement extends the contract until December 31, 2015.

The other change is a capacity relinquishment agreement as required by the Federal Energy Regulatory Commission Order 636, which in effect requires all transportation agreements include an agreement for relinquishment of capacity.

Having reviewed Chesapeake's petition for approval of the gas transportation agreement with Polk Power Partners, L.P., we find that it should be approved.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition filed by the Florida Division of Chesapeake Utilities Corporation for approval of a gas transportation agreement with Polk Power Partners, L.P. is approved. It is further

ORDERED that this Order shall become final and this docket shall be closed 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 10th day of May, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)
MRC:bmi

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 May 31, 1994.

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 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 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.