

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power Corporation for approval of an agreement with El Paso Power Services Company to restructure existing cogeneration contracts with Polk Power Partners, L.P. and Orange Cogeneration Limited Partnership.

DOCKET NO. 990723-EQ
ORDER NO. PSC-99-1291-PCO-EQ
ISSUED: July 6, 1999

ORDER GRANTING PETITION FOR INTERVENTION

By Petition filed June 14, 1999, El Paso Power Services Company (El Paso) requested permission to intervene in this proceeding. There has been no response filed in opposition to this request.

El Paso argues in its Petition for Leave to Intervene that its substantial interests are subject to determination and will be affected by Commission action taken in this proceeding. El Paso states that Rules 28-106 and 25-22, Florida Administrative Code, and Chapters 120 and 366, Florida Statutes, entitled it to relief.

El Paso asserts that it "has a direct and substantial interest in the Agreement, which is the subject of this proceeding." El Paso maintains that it is the counter-party to the Agreement at issue in this proceeding. It further contends that its affiliate currently has "a partnership interest in Polk and Orange [cogeneration facilities] which are parties to the Existing Contracts" sought to be amended and restated through this docket. El Paso also asserts that it will be the entity to cause Polk and Orange to execute the Agreement once it is approved by the Commission. For these reasons, El Paso petitions the Commission for leave to intervene in this docket.

Having considered the pleading and there being no opposition to it, El Paso's Petition for Leave to Intervene is granted.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-1291-PCO-EQ
DOCKET NO. 990723-EQ
PAGE 2

It is therefore

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed by El Paso Power Services Company, is granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Mr. D. Bruce May, Esquire
Holland & Knight, LLP
P.O. Drawer 810
Tallahassee, Florida 32302

and

Mr. Greg Jones
Assistant General Counsel
El Paso Energy Corporation
1001 Louisiana Street
Houston, Texas 77002

By ORDER of the Florida Public Service Commission this 6th day of July, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

GAJ

ORDER NO. PSC-99-1291-PCO-EQ
DOCKET NO. 990723-EQ
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.