

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Gulf Power Company for approval of purchased power arrangement regarding Smith Unit 3 for cost recovery through recovery clauses dealing with purchased capacity and purchased energy.

DOCKET NO. 010827-EI
ORDER NO. PSC-02-0911-FOF-EI
ISSUED: July 8, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER DISPOSING OF REQUEST FOR RETURN OF
CONFIDENTIAL INFORMATION AND CLOSING DOCKET

On June 8, 2001, Gulf Power Company filed a Petition for approval of a purchased power agreement with Southern Power Company. The Office of Public Counsel and the Florida Industrial Power Users Group intervened in the proceeding. On August 27, 2001, Gulf filed a Notice of Voluntary Dismissal and/or Withdrawal of Petition and a Request for Immediate Return of Confidential Information Provided Pursuant to Discovery. At the September 18, 2001 Agenda Conference, we voted to acknowledge the Notice and to defer Gulf's Request for return of confidential information.

We voted to defer Gulf's Request because the parties and staff opposed it for a variety of reasons. We asked the parties to attempt to resolve the issues informally, and they have done so. Gulf informed Commission staff that it has received all the documents it deems necessary. Because the documents have been returned to Gulf, the Request is rendered moot.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gulf Power Company's Request for Immediate Return of Confidential

DOCUMENT NUMBER-DATE

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SPSC-COMMISSION CLERK

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Information Provided Pursuant to Discovery is rendered moot. It is further

ORDERED that this docket shall be closed 32 days after the issuance of this Order to allow the time for filing an appeal to run.

By ORDER of the Florida Public Service Commission this 8th day of July, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

MKS

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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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.