

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Cargill  
Fertilizer, Inc. for permanent  
approval of self-service  
wheeling to, from, and between  
points within Tampa Electric  
Company's service area.

DOCKET NO. 020898-EQ  
ORDER NO. PSC-02-1518-PCO-EQ  
ISSUED: November 5, 2002

ORDER GRANTING MOTION TO HOLD PROCEDURAL SCHEDULE IN ABEYANCE

By Order No. PSC-02-1451-PCO-EQ, issued October 21, 2002, this docket was scheduled directly for an expedited hearing. The hearing is currently scheduled for January 16, 2003.

On October 22, 2002, Tampa Electric Company (TECO or utility) filed a Motion to Hold the Procedural Schedule in Abeyance. In this Motion, TECO states that by letters dated October 9, 2002, and October 16, 2002, Cargill has asked that mediation convene in this docket. Cargill has stated that it is willing to waive its request for an expedited hearing so that mediation can be attempted before intensive hearing preparation commences. According to TECO, while the company is willing to pursue mediation in this case, it is not yet in a position to do so. TECO filed a transaction specific Transmission Service Agreement with the Federal Energy Regulatory Commission (FERC) on October 9, 2002, seeking what it believes are necessary waivers from FERC to cover self-service wheeling to Cargill. Until FERC rules on that filing, the critical parameters within which the parties have discretion to mediate will not be known. Therefore, it would not be an efficient use of the time and resources of the Commission or the parties to initiate mediation until after FERC has addressed TECO's filing. TECO therefore requests that the currently effective procedural schedule in this case be temporarily suspended, including those dates pertaining to discovery, or, in the alternative, by at least 120 days.

Cargill filed a response to TECO's Motion on October 24, 2002, in which Cargill states that it supports TECO's request not to convene mediation until after FERC acts upon TECO's October 9, 2002, filing. However, Cargill's support should not be construed to be a concession that this Commission lacks authority to compel retail self-service wheeling. Moreover, Cargill suggests that

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should FERC act before the conclusion of a 120-day abatement period, the parties should be authorized to proceed with mediation to resolve the disputed issues in this matter. Further, if it should become necessary to reschedule the hearing in this matter, Cargill requests that it be provided sufficient time to receive and review all responses to discovery served on TECO.

In consideration of the foregoing, TECO's Motion to Hold the Procedural Schedule in Abeyance is granted and the currently effective procedural schedule shall be temporarily suspended, including those dates pertaining to discovery. The parties are encouraged to proceed with mediation as soon as practicable after FERC acts on TECO's October 9, 2002, filing.

It is noted that on October 18, 2002, Cargill filed a Motion for Order Compelling Expedited Discovery, requesting, among other things, that TECO be required to respond to discovery propounded by Cargill within 15 days of service. TECO responded to the Motion on October 24, 2002. Based on the ruling herein, it is unnecessary to rule on Cargill's Motion at this time. If the parties are unsuccessful in their attempts to mediate this matter, the discovery process shall resume, at which time Cargill may respond to TECO's objections to its discovery requests filed on October 24, 2002.

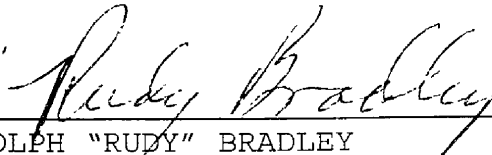
Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Tampa Electric Company's Motion to Hold the Procedural Schedule in Abeyance is granted and the currently effective procedural schedule shall be temporarily suspended, including those dates pertaining to discovery. It is further

ORDERED that if the parties are unsuccessful in their attempts to mediate this matter, the discovery process shall resume, at which time Cargill Fertilizer, Inc. may respond to Tampa Electric Company's objections to its discovery requests filed on October 24, 2002.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 5th day of November, 2002.

  
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RUDOLPH "RUDY" BRADLEY  
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 120.569(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

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reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, 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.