

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Indiantown
Gas Company.

DOCKET NO. 030954-GU
ORDER NO. PSC-04-0269-PCO-GU
ISSUED: March 9, 2004

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By Petition filed February 20, 2004, Indiantown Cogeneration, L.P. (ICLP) requests leave to intervene in this proceeding. In its Petition, ICLP states that in the course of operating the cogeneration unit, it purchases and consumes natural gas, which is transported by Indiantown Gas Company (IGC) from a point of delivery on IGC's system to the site of ICLP's cogeneration unit. In addition, ICLP states that the transportation of natural gas by IGC is governed by a special contract between ICLP and IGC. As such, IGC's petition for a rate increase proposes to implement rates that represent a departure from the current rates that were in place when IGC and ICLP negotiated the special contract. Finally, ICLP states that a decision on IGC's petition will affect the price it pays for the transportation of the natural gas it consumes in its business operations. Accordingly, ICLP asserts it has a substantial interest in the Commission's actions in this docket.

Having reviewed the Petition, it appears that ICLP's substantial interests may be affected by this proceeding. There has been no response filed in opposition to this request. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, ICLP takes the case as it finds it.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Petition to Intervene, filed by the Indiantown Cogeneration, L.P. is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all pleadings, notices, and orders that are hereinafter filed in this proceeding, to Joseph A. McGlothlin, McWhirter, Reeves, McGlothlin, Davidson, Kaufman, & Arnold, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301; and Richard Grubb, General Manager, Indiantown Cogeneration, L.P., 13303 Southwest Silver Fox Lane, P.O. Box 1799, Indiantown, Florida 34956.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 9th day of March, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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; or (2) judicial review by the Florida Supreme Court, in

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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 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.