

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of three performance guaranty agreements by Tampa Electric Company. | DOCKET NO. 070729-EI  
| ORDER NO. PSC-08-0128-PCO-EI  
| ISSUED: February 28, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

ORDER SUSPENDING AGREEMENTS

BY THE COMMISSION:

On December 17, 2007, Tampa Electric Company (TECO) filed a petition for approval of performance guaranty agreements (PGA). TECO proposes to require a PGA in cases where applicants for electric service require a significant expansion of TECO's facilities to meet projected loads that, in TECO's opinion, may not materialize. Under the proposed PGA, the applicant will be required to provide a monetary guaranty for performance. If the revenues materialize as projected, TECO will refund or cancel the guaranty. We have jurisdiction pursuant to Chapter 366.06, Florida Statutes.

Pursuant to Section 366.06(3), Florida Statutes, we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility making the request a reason or written statement of good cause for doing so within 60 days. Because additional time is needed for review of the petition, the tariff shall be suspended. This constitutes good cause pursuant to Section 366.06(3), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company's proposed Performance Guaranty Agreements are hereby suspended. It is further

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDERED by the Florida Public Service Commission that this docket shall remain open pending the decision on the proposed tariff revision.

By ORDER of the Florida Public Service Commission this 28th day of February, 2008.



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ANN COLE  
Commission Clerk

( S E A L )

LCB

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 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 Office of Commission Clerk, 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.