

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint No. 694187E by Cutrale
Citrus Juices USA, Inc. against Tampa Electric
Company for refusing to provide transformer
ownership discount for electrical service
provided through Minute Maid substation.

DOCKET NO. 070733-EI
ORDER NO. PSC-08-0582-PC0-EI
ISSUED: September 9, 2008

ORDER GRANTING ABATEMENT

On August 7, 2008, a joint motion was filed by Cutrale Citrus Juices USA, Inc. (Cutrale) and Tampa Electric Company (TECO) requesting that we hold this proceeding in abeyance pending efforts by the parties to resolve their differences by way of settlement.

In that Motion, Cutrale and TECO state that they are currently engaged in discussions regarding the potential for settling their differences and that holding this proceeding in abeyance will permit them to focus their efforts on meaningful settlement negotiations. Additionally, Cutrale and TECO will provide monthly status reports on the progress of their settlement discussions.

Holding this proceeding in abeyance pending completion of those discussions may facilitate possible settlement, may avoid unnecessary administrative litigation, and will not prejudice the rights of either parties. Therefore, the joint motion of Cutrale and TECO to abate this proceeding shall be granted for six months. If no resolution has been reached by March 2, 2009, this matter shall be set for hearing.

Based on the foregoing, it is

ORDERED by Commissioner Nancy Argenziano, as Prehearing Officer, that the joint motion of Cutrale Citrus Juices USA, Inc. and Tampa Electric Company to hold this proceeding in abeyance is granted as set forth in the body of this Order. It is further

ORDERED that both parties shall provide monthly status reports on the progress of their settlement discussions.

By ORDER of Commissioner Nancy Argenziano, as Prehearing Officer, this 9th day of September, 2008.



NANCY ARGENZIANO
Commissioner and Prehearing Officer

(SEAL)
LCB

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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.