

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of renewable
energy tariff and standard offer contract, by
Florida Power & Light Company.

DOCKET NO. 110312-EQ
ORDER NO. PSC-12-0045-PCO-EQ
ISSUED: January 31, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

The adopted amendments to Rule 25-17.0832, Florida Administrative Code (F.A.C.), and new Rules 25-17.200 through 25-17.310, F.A.C., relating to renewable generating facilities became effective on March 12, 2007. The new rules require each investor-owned utility (IOU) to file a standard offer contract for the purchase of firm capacity and energy from renewable generating facilities and small qualifying facilities with a design capacity of 100 kW or less by April 1 of each year.

Florida Power & Light Company (FPL) filed the required standard offer contract by the April 1, 2011 deadline, which was approved on October 13, 2011.¹ The standard offer contract was based on a 2016 Port Everglades project as the next avoidable unit.

Rule 25-17.250(2), F.A.C., requires that approved standard offer contracts should remain open until the utility files a petition for a need determination. The contracts should not be closed until a new standard offer contract is approved. FPL filed a petition for a need determination on November 21, 2011, for modernization of its Port Everglades Energy Center.² The Company then submitted a new standard offer contract for approval in the instant docket on November 28, 2011.

We have jurisdiction over this contract pursuant to Sections 366.04 and 366.91, Florida Statutes (F.S.).

¹ See Order No. PSC-11-0466-TRF-EQ, issued October 13, 2011, in Docket No. 110091-EQ, In re: Petition for approval of renewable energy tariff and standard offer contract by Florida Power & Light Company.

² See Docket No. 110309-EI, In re: Petition to determine need for modernization of Port Everglades Plant by Florida Power & Light Company.

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FPSC-COMMISSION CLERK

FPL filed a petition for a revised renewable energy tariff and standard offer contract on November 28, 2011, in accordance with Rule 25-17.250, F.A.C. Pursuant to Section 366.06(3), F.S., we must response to FPL's petition within sixty days, or the revised renewable energy tariff will automatically become effective.

Our staff has recommended that the proposed tariff be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present an informed recommendation on the tariff's proposal. Failure to suspend the proposed tariff within sixty days will result in the tariff becoming effective.

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days.

We find that taking time to thoroughly review the petition and gather information is good cause consistent with the requirement of Section 366.06(3), F.S., and, therefore, the tariff shall be suspended. The proposed tariff is suspended to allow sufficient time to review the petition, gather all pertinent information, and to present an informed recommendation on the tariff proposal.

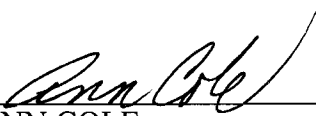
Given our decision to suspend the tariff, the docket shall remain open to allow our staff adequate time to review the filings and to provide a recommendation on the merits of the filings.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed standard offer contract tariff is suspended. It is further

ORDERED that the docket shall remain open pending final action on the tariff.

By ORDER of the Florida Public Service Commission this 31st day of January, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
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Tallahassee, Florida 32399
(850) 413-6770
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS

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.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 21, 2012.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.