

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of FLORIDA POWER)	DOCKET NO. 881420-EQ
CORPORATION for approval of)	ORDER NO. 21633
cogeneration contract with CFR)	ISSUED: 7-31-89
BioGen Corporation.)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, CHAIRMAN
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING COGENERATION CONTRACT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein setting rate bases for purposes of transfer is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On October 31, 1989, Florida Power Corporation (FPC) filed a petition for our approval of a cogeneration contract dated September 20, 1988 between FPC and CFR BioGen Corporation (CFR) of Tallahassee, Florida.

CFR is a qualifying facility, as defined under Rule 25-17.080, Florida Administrative Code, which will operate a 74.5 megawatt combined cycle cogeneration facility in Jefferson County, Florida. The subject contract is the result of an "up-scaling" of a project previously planned for the same site. (We approved a contract for 50 megawatts of committed capacity in Docket No. 870560-EQ at the January 5, 1988 agenda conference.) On September 20, 1988, CFR entered into a standard offer contract with FPC, committing 24 megawatts of CFR's capacity to FPC beginning on or about April 1, 1991 under option "B" of Rate Schedule COG-2, of FPC's tariff. Under option "B" CFR will be entitled to receive early capacity payments from FPC commencing on April 1, 1991.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. 21633
DOCKET NO. 881420-EQ
PAGE 2

As a practical matter, CFR's election of option "B" allows CFR to retain, for capacity payment purposes, the technology type and in-service date of the statewide avoided unit associated with the tariff, which in this case is a 500 megawatt coal unit scheduled for 1995. All other variables, however, will be updated annually to reflect current economic and technological considerations. Since we will be voting on new parameters associated with a new avoided unit at the special agenda conference scheduled for September 21, 1989, we find that FPC shall submit its annual recalculation required under option "B" of its tariff as part of its April to September fuel adjustment filings.

Upon due consideration of the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the cogeneration contract dated September 20, 1988 between Florida Power Corporation and CFR BioGen Corporation is approved as shown in the body of this Order. It is further

ORDERED that unless a party whose interests are substantially affected files a protest with Steve Tribble, Clerk of the Commission, 101 East Gaines Street, Tallahassee, Florida 32399 within the prescribed time for such protests, this Order shall become a Final Order of this Commission and this docket shall be closed.

By ORDER of the Florida Public Service Commission
this 31st day of July, 1989.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any

ORDER NO. 21633
DOCKET NO. 881420-EQ
PAGE 3

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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 21, 1989. In the absence of such a petition, this order shall become effective August 22, 1989 as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent 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.

If this order becomes final and effective on August 22, 1989, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.