

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition Not to Accept)	DOCKET NO. 911104-EQ
Proposed Standard Offer Contract)	ORDER NO. 25519
Tendered on Behalf of Noah III)	ISSUED: 12/23/91
Power GP, Inc., by Tampa Electric)	
Company.)	
_____)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY

NOTICE OF PROPOSED AGENCY ACTIONORDER REJECTING STANDARD OFFER

BY THE COMMISSION:

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

In Order No. 25263, (issued October 28, 1991, in Docket No. 910935-EQ) prior to administrative approval of Tampa Electric Company's (TECO's) standard offer contract, we delayed the effective date of TECO's standard offer contract. We took this action because TECO's generation expansion plan was changed as the result of a federal grant which had become available to help fund the construction of an advanced integrated gasified combined cycle (IGCC) power plant. Since TECO's standard offer contract would have been inconsistent with the proposed IGCC project, we delayed the effective date of the standard offer and ordered TECO to file a new standard offer after the need determination proceeding for the proposed IGCC plant.

On September 20, 1991, despite our failure to approve TECO's standard offer contract, Noah III Power GP, Inc. (Noah) tendered to TECO a purported standard offer contract. Since we had not yet voted on whether to delay approval of TECO's standard offer, Noah's actions were a reasonable effort to protect Noah's interests in the event we denied TECO's request to delay approval. Nonetheless, in light of our subsequent action in Order No. 25263, delaying the effective date of TECO's standard offer, we cannot accept the standard offer contract tendered on behalf of Noah.

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It is, therefore,

ORDERED by the Florida Public Service Commission that approval of the standard offer contract tendered by Noah III Power GP, Inc., to Tampa Electric Company, on September 20, 1991, is hereby denied. It is further

ORDERED that this docket be closed automatically when the protest period has expired.

By ORDER of the Florida Public Service Commission, this
23rd day of DECEMBER, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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911104.bmi

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 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

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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 1/13/92.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 the date described above, 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 wastewater 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.