

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to close ) DOCKET NO. 920581-EQ  
Standard Offer Contract by Gulf ) ORDER NO. PSC-93-1220-FOF-EQ  
Power Company. ) ISSUED: August 24, 1993  
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
THOMAS M. BEARD  
SUSAN F. CLARK  
JULIA L. JOHNSON

NOTICE OF PROPOSED AGENCY ACTION

APPROVAL OF STIPULATION BETWEEN MONSANTO CHEMICAL COMPANY  
AND GULF POWER COMPANY TO WITHDRAW  
PREVIOUSLY TENDERED STANDARD OFFER CONTRACT

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.

On August 29, 1991, the Commission issued Order No. 24989 approving Gulf Power Company's (Gulf) standard offer contract for the purchase of capacity and energy. Gulf's standard offer was based on a 79 megawatt combustion turbine generating unit with an in-service date of June 1, 1995. The standard offer was scheduled to expire on June 1, 1992, or sooner, if the 79 megawatts were fully subscribed or avoided.

On May 14, 1992, Monsanto Chemical Company (Monsanto) notified Gulf Power that it planned to expand its cogeneration capacity to self-serve its needs for electric energy. On May 15, 1992, Monsanto delivered a signed standard offer contract for the sale of 16 megawatts of excess capacity to Gulf Power.

On May 21, 1992, Gulf filed a petition to close the standard offer contract to further subscription effective May 16, 1992. The Commission approved Gulf's petition on August 24, 1992 (Order No. PSC-92-0853-FOF-EQ). Subsequently, Gulf and Monsanto agreed to a

ISSUED: \_\_\_\_\_-DATE

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proposed negotiated contract and filed it for Commission approval on November 6, 1992. The proposed negotiated contract was approved by Order No. PSC-93-0466-FOF-EQ on March 29, 1993 in Docket No. 921167-EQ.

The negotiated contract was submitted as a "proposed" contract that had not been signed by the parties. It was agreed that the standard offer tendered by Monsanto would be considered withdrawn pending execution of the negotiated contract by the parties. Following Commission approval of the negotiated contract in March 1993, the parties executed the contract on July 1, 1993 with no changes to the terms and conditions of the contract.

A stipulation was filed by the parties July 2, 1993, acknowledging that Gulf and Monsanto executed a negotiated contract for the purchase and sale of firm capacity and energy as a substitute for Monsanto's previously tendered acceptance of Gulf's standard offer. The stipulation also constitutes Monsanto's withdrawal of its previously tendered acceptance of Gulf's standard offer. Accordingly, we approve this stipulation.

It is, therefore,

ORDERED by the Florida Public Service Commission that the stipulation between Gulf Power Company and Monsanto Chemical Company to withdraw the standard offer contract previously tendered by Monsanto Chemical Company for 16 megawatts is approved. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

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By ORDER of the Florida Public Service Commission this 24th  
day of August, 1993.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )  
DLC:bmi

by: Kay Flynn  
Chief, Bureau of Records

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 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 September 14, 1993.

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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.