

CASE ACTION NOTE

DATE: January 25, 1999

TO: Richard Bellak, Division of Appeals
Kenneth Dudley, Division of Electric and Gas
Jim Breman, Division of Electric and Gas

FROM: Sandy Moses, Division of Records and Reporting

RE: Docket No.: 980509-EQ - Petition of Florida Power Corporation for declaratory statement that Commission's approval of negotiated contract for Purchase of Firm Capacity and Energy with Lake Cogen, Ltd., in Order No. 24734, together with Order No. PSC-97-1437-FOF-EQ, Rule 25-17.0832, F.A.C. and Order No. 24989, establish that energy payments thereunder, including when firm or as-available payments are due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics.

To the Division indicated in the left margin: Please take the actions checked below in the record of the referenced case.

- ALL 1. FPC has appealed Order PSC-98-1621-FOF-EQ denying its petition for declaratory statement and closing docket. The docket has been **REOPENED** and placed in **LITIGATION** status. APP is to handle and advise all concerned of the outcome.
- ___ 2. OPR changed to ___.
- ___ 3. OCR changed to ___.
- ___ 4. Enter the following in CMS comments: "Order _____, ___ / ___ / ___, requires the company to make refunds and file certain related reports. ___ is to monitor and advise all concerned of the company's compliance or non-compliance and recommended further actions."

- ___ 5. Enter the following in CMS comments: "Order _____, ___ / ___ / ___, authorizes the issuance of securities and requires the company to file a consummation report within 90 days of such issuance. AFA is to monitor and advise all concerned of recommended further actions."

- ___ 6. _____

- ___ 7. Please file a CASR by _____

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 LIN _____
 OPC _____
 RCH _____
 SEC 1 _____
 WAS _____
 OTH _____

cc: Docket File
 Security File

DOCUMENT NUMBER-DATE
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 PSC-RECORDS/REPORTING