



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 30, 2000

TO: J. Terry Deason, Chairman

FROM: Michael Haff, Division of Safety and Electric Reliability
Wm. Cochran Keating, Division of Legal Services *WCK*

RE: Docket No. 000982-EI - Petition by Florida Power & Light Company for Approval of Conditional Settlement Agreement Which Terminates Standard Offer Contracts Originally Entered into Between FPL and Okeelanta Corporation and FPL and Osceola Farms, Co.

By this memorandum, staff is requesting approval to file a recommendation in the above-referenced docket no later than 5:00 p.m., Thursday, November 30, 2000, for consideration at the Commission's December 5, 2000, Agenda Conference. The recommendation addresses Florida Power & Light Company's (FPL) motion for summary final order to deny Michael T. Caldwell's protest of proposed agency action Order No. PSC-00-1913-PAA-EI. This Order approved a settlement agreement between FPL and two qualifying facilities (QFs) to end outside litigation between those parties and terminate FPL's contracts with the QFs for a settlement payment of \$222.5 million from FPL.

FPL filed its motion for summary final order on November 15, 2000. In its motion, FPL requested expedited disposition of the motion. Responses to FPL's motion were due Monday, November 27, 2000. No response was filed. Given timing concerns surrounding approval of the settlement agreement and the potential for loss of associated customer savings, staff believes it would be appropriate for the Commission to hear this matter as early as possible, and staff is prepared to file its recommendation in the time indicated above.

*Recommend
Approval
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OK WBB/jal
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