

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power Corporation for approval of agreement with Cedar Breaks IV, LLC to restructure three existing cogeneration contracts with a total capacity of 184 megawatts.

DOCKET NO. 020164-EQ
ORDER NO. PSC-02-0455-PCO-EQ
ISSUED: April 3, 2002

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By petition, dated March 20, 2002, El Paso Merchant Energy North American Company ("EPME") has requested permission to intervene in this proceeding. EPME states:

EPME has a direct and substantial interest in the Agreement, which is the subject of this proceeding. First, EPME will form the entity (Cedar Brakes) that will be a specifically named counter-party to the Agreement and thus qualifies as a party pursuant to Section 120.52(12)(a), Florida Statutes. Second, an EPME affiliate currently has a partnership interest in Polk and Orange, both which are parties to the Existing Contracts subject to amendment and restatement by the Agreement. Third, upon consummation of the transaction that is contemplated by the Agreement, Cedar Brakes will acquire the Existing Contracts. Fourth, the Agreement, and the transactions contemplated therein, will not become effective without approval by the Commission as requested in the FPC Petition. Clearly, EPME's substantial interests will be determined in this proceeding. Thus, EPME is entitled to participate as a party.

Having reviewed the Petition, it appears that EPME's substantial interests may be affected by this proceeding. Florida Power Corporation, the only other party to this docket does not oppose this request. Therefore, the Petition shall be granted.

DOCUMENT NUMBER-DATE

03780 APR-30

FPSC-COMMISSION CLERK

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Pursuant to Rule 25-22.039, Florida Administrative Code, EPME takes the case as it finds it.

Therefore, it is

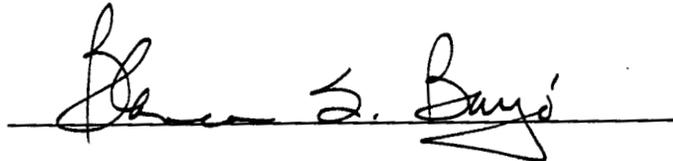
ORDERED by the Florida Public Service Commission that the Petition to Intervene filed by EPME is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

D. Bruce May, Esquire
Holland & Knight LLP
315 South Calhoun Street
Suite 600
Tallahassee, Fl 32301

Andrew Kidd
Vice President & Associate General Counsel
El Paso Merchant Energy North America
1001 Louisiana Street
Houston, TX 77002

By ORDER of the Florida Public Service Commission, this 3rd day of April, 2002.

A handwritten signature in black ink, appearing to read "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk and
Administrative Services

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.