

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC
JUL 1 2009
PM 3:03
COMMISSION CLERK

DATE: July 1, 2009
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Connie S. Kummer, Chief of Certification & Tariffs, Division of Economic Regulation *CSK*
RE: Docket No. 090338-EI – Request for Short Term Extension of Substation Rental Agreement with Tropicana Products, Inc., by Florida Power & Light Company

Please add the attached letter from Mr. S. E. Romig, Director, Rates and Tariffs, Florida Power & Light Company (FPL), enclosing for administrative approval a letter agreement extending the Long Term Substation Rental Agreement between FPL and Tropicana Products Inc. Thank you.

CSK:kb

DOCUMENT NUMBER-DATE

06660 JUL-18

FPSC-COMMISSION CLERK



June 5, 2009

Ms. Connie Kummer, Chief
Bureau of Certification & Tariffs
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Ms. Kummer:

Enclosed for administrative approval is a letter agreement extending the Long Term Substation Rental Agreement ("LTSRA") between Florida Power & Light Company ("FPL") and Tropicana Products Inc. ("Tropicana"). The current contract is set to expire on October 4, 2009, and there is no provision for continuation of the existing contract beyond the initial 20 year term. FPL plans to submit for Commission approval revisions to the LTSRA tariff to add an evergreen provision and potentially make other modifications. Tropicana has represented that they require several months lead time to construct replacement facilities if it chooses not to execute a revised LTSRA. In order to preserve Tropicana's options during the regulatory approval process, FPL has agreed to seek approval to extend Tropicana's current agreement for up to one year.

Enclosed are five copies of the letter agreement specified above. Please approve the letter agreement by June 19, 2009. If you have any questions on the agreement, please do not hesitate to contact me at (561) 691-2421. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "S. E. Romig", followed by the word "for" written in a cursive style.

S. E. Romig
Director, Rates and Tariffs

Enclosures
SER/rbd

DOCUMENT NUMBER-DATE

06660 JUL-18

FPSC-COMMISSION CLERK



May 27, 2009

Mr. Glenn Johnson
Senior Manager
Tropicana Products, Inc.
1700 East 9th Street
Bradenton FL 34208

Re: Long Term Rental Agreement

Dear Mr. Johnson:

This letter agreement is between Tropicana Product, Inc. ("**Tropicana**") and Florida Power & Light Company ("**FPL**") (Tropicana and FPL jointly, the "**Parties**") and relates to that certain Long-Term Rental Agreement for Distribution Substation Facilities dated as of October 4, 1989 (the "**Agreement**"). Paragraph 6 of the Agreement provides for a 20 year term and, consistent with this provision, the Agreement is scheduled to expire on October 4, 2009 (the "**Expiration Date**"). There is no provision for continuation of the Agreement beyond the Expiration Date.

Tropicana is currently evaluating its options related to distribution and substation service, including: (i) the construction of replacement facilities (the "**New Facilities**"); or, (ii) executing an amended Agreement (the "**Possible Amended Agreement**"). However, the construction of New Facilities would take up to six (6) months and the Possible Amended Agreement would require the submission by FPL to the Florida Public Service Commission ("**FPSC**") of a revised Long Term Substation Rental Agreement tariff (the "**Revised Tariff**") and approval of such tariff by the FPSC. Therefore, the implementation of either (i) or (ii), above would extend beyond the Expiration Date.

The Parties are engaged in discussions related to the Possible Amended Agreement and Tropicana has requested, and FPL is willing to grant, an interim extension (the "**Interim Extension**") to the Agreement in order that Tropicana will be assured of continued distribution and substation service pending the construction of the New Facilities or the receipt of any requisite FPSC approval related to the Revised Tariff and the Possible Amended Agreement. Therefore, the Parties agree to extend the Agreement to that date the earlier of either the in-service date of the New Facilities or the execution of a Possible Amended Agreement approved by the FPSC; provided, the Interim Extension shall not extend beyond one (1) year past the Expiration Date. In all other respects, the terms and conditions of the Agreement shall remain in full force and effect.

The Parties acknowledge and agree that this Interim Extension also requires FPSC approval and FPL shall, promptly upon Tropicana executing and delivering this Letter Agreement, submit this Letter Agreement to the FPSC for approval. This Letter Agreement (and the Interim Extension) shall be effective as of the date that FPL receives the FPSC administrative approval related to the Interim Extension.

Please indicate your acceptance of the foregoing by execution where indicated below.

Sincerely,
Florida Power & Light Company

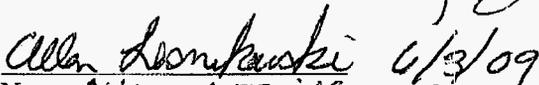


Walt Danielewski
Regional Manager, Major Accounts

Agreed to and accepted this 27 day of May, 2009

Tropicana Products, Inc.

June 6/1/09



Name ALLEN LESNIKOWSKI

Title TROPICANA PURCHASE MANAGER