

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the continuing need and costs associated with Tampa Electric Company's 5 Combustion Turbines and Big Bend Rail Facility.

DOCKET NO. 090368-EI
ORDER NO. PSC-10-0468-PCO-EI
ISSUED: July 22, 2010

ORDER GRANTING ABATEMENT

On July 20, 2010, a Consented Motion to Abate was filed by Tampa Electric Company (movant) requesting that we hold this proceeding in abeyance pending approval of a Stipulation and Settlement Agreement signed by the parties, also filed on July 20, 2010.

In the Motion, the movant state that the parties have signed and filed a Stipulation and Settlement Agreement that will resolve all of the issues in this docket. The movant also state that the Stipulation and Settlement Agreement will resolve all of the issues in the appeal currently pending in the Supreme Court of Florida styled Citizens of the State of Florida, Office of Public Counsel, et al., Appellants v. Matthew W. Carter II, etc., et al., Appellees, Case No. SC09-1723, and will enable the Commission to close Docket Nos. 080317-EI and 090368-EI. The movant therefore request that we abate all of the scheduled actions set forth in Commission Order Nos. PSC-10-0144-PCO-EI and PSC-10-0252-PCO-EI, First and Second Orders Revising Order Establishing Procedure (procedural orders).

Holding this proceeding in abeyance pending approval of the Stipulation and Settlement Agreement may avoid unnecessary administrative litigation, and will not prejudice the rights of parties. Therefore, the motion to abate this proceeding shall be granted. All scheduled actions, including the filing of rebuttal testimony and prehearing statements, are abated. If the Stipulation and Settlement agreement is not approved by August 31, 2010, this matter shall be set for hearing and new procedural dates shall be set.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that Tampa Electric Company's consented motion to hold this proceeding in abeyance is granted as set forth in the body of this Order.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 22nd day of
July, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

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; or (2) 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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.