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RECORDS AND REPORTING

Recommended Approval MAB

ok WBB/for Chairman

DATE: DECEMBER 6, 2000

TO: CHAIRMAN DEASON

FROM: DIVISION OF LEGAL SERVICES (HART) *DRUE WBM*
 DIVISION OF ECONOMIC REGULATION (KUMMER) *ED*
 DIVISION OF SAFETY AND ELECTRIC RELIABILITY (BOHRMANN, FUTRELL) *TB*

RE: REQUEST TO FILE LATE RECOMMENDATION FOR THE DECEMBER 19, 2000, AGENDA CONFERENCE FOR DOCKET NO. 001287-EI - REQUEST OF APPROVAL OF A SPECIAL CONTRACT WITH IMC PHOSPHATES COMPANY FOR PROVISION OF INTERRUPTIBLE ELECTRIC SERVICE BY TAMPA ELECTRIC COMPANY

Recommendations for the December 19, 2000, Agenda Conference are due tomorrow, December 7, 2000. For the reasons discussed below, staff requests permission to file its recommendation for the December 19, 2000, Agenda Conference no later than 4:00 p.m. on Tuesday, December 12, 2000.

On August 31, 2000, Tampa Electric Company (TECO) filed a petition requesting approval of a special contract with IMC Phosphates Company (IMC). IMC is currently served under TECO's interruptible service rate and is concerned about the repeated need to pay for buy-through power to avoid interruption. The parties have drafted a special contract to address these concerns.

Staff met with TECO and IMC on September 14, 2000 for initial discussions on the contract. Subsequently, staff issued two sets of interrogatories to TECO. Responses to the first set of interrogatories were received on November 6, and TECO filed objections to two of staff's questions in that filing. The answers to staff's second set of interrogatories were received on November 17. In both instances, TECO took the full time allowed for responses.

On November 7, 2000, IMC filed its Petition to Intervene. That petition was granted by Order No. PSC-00-2310-PCO-EI, issued December 4, 2000.

Despite staff's stated intent to file a recommendation on the contract for the December 19 Agenda Conference, on November 20, TECO filed an emergency motion for authorization to implement the contract on an interim basis because IMC was continuing to experience high buy-through costs. This filing was received after the deadline for filing recommendations for the December 5 Agenda Conference and was scheduled for the December 19 Agenda

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Conference. On December 5, staff received a copy of a memorandum from IMC in support of TECO's petition, with the representation from IMC's counsel that the document, including confidential material, will be filed today.

This late filing makes it extremely difficult to address even the emergency motion for a recommendation due December 7. However, in lieu of addressing just the emergency motion on the December 19 Agenda Conference, staff believes the most efficient course of action is to address the substance of the contract at the December 19 Agenda Conference, together with the emergency motion. Staff further believes it is important that this docket not be deferred to the next agenda. Therefore staff is requesting an extension of time to file its recommendation by 4:00 pm on December 12, 2000. Absent this extension, the recommendations for both the emergency motion and the contract will be filed December 20 for the January 2 Agenda Conference.

CK/DDH

cc: Mary Bane, Deputy Executive Director/Technical

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