

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Planning Hearings on Load)
 Forecasts Generation Expansion)
 Plans, and Cogeneration Prices)
 for Florida's Electric Utilities.)

DOCKET NO. 910004-EU
 ORDER NO. 24328
 ISSUED: 4/4/91

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL McK. WILSON

ORDER DENYING RECONSIDERATION

BY THE COMMISSION:

Pursuant to Order No. 23625, Florida Power & Light Company (FPL), Tampa Electric Company (TECO), Florida Power Corporation (FPC) and Gulf Power Company (Gulf) were required to file their "most recent ten-year generation expansion plan, a standard interconnection agreement, and one or more standard offer contracts designed to avoid the construction of capacity identified in its plan." FPL, TECO and Gulf filed this material on October 30, 1990 and FPC filed this material on October 30 and November 16, 1990.

These plans were required to be filed so that we could implement our new cogeneration rules, Rules 25-17.080-.091, Florida Administrative Code, which were approved in Order No. 23623, issued on October 16, 1990, and which became effective on October 25, 1990.

On February 11, 1991, all parties to this docket met with Staff and discussed issues to be considered at the May, 1991, "mini" annual planning hearing set in this docket.

In order to provide the parties with some guidance on the issues to be considered in these proceedings prior to the time that direct testimony was due, Commissioner Gunter, as Prehearing Officer issued Order No. 24142 in which the issues to be litigated in this docket were limited to "those issues necessary to approve firm capacity and energy tariffs, standard offer contracts, as-available energy tariffs and standard interconnection agreements." The order also provided that the Commission would not consider issues relating to the negotiation of contracts or the approval of negotiated contracts at the hearing set for May, 1991.

DOCUMENT NUMBER-DATE

03286 APR -4 1991

PSC-RECORDS/REPORTING

ORDER NO. 24328
DOCKET NO. 910004-EU
PAGE 2

On February 21, 1991, Air Products and Chemicals, Inc. (Air Products) filed a motion for reconsideration of Order No. 24142. In its motion, Air Products requested that the following issue be included in the issues which will be considered at the May, 1991 hearing:

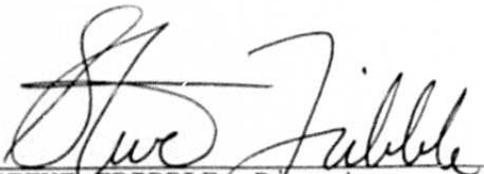
Issue 67: Are all units identified in each utility's generation expansion plan presumptively valid units for QFs to negotiate against for the sale of firm capacity and energy?

While this may be a legitimate issue, only three days have been set aside for the "mini" annual planning hearing in this docket. In this three day period we will be required to consider and vote on firm capacity and energy tariffs, standard offer contracts, as-available energy tariffs and standard interconnection agreements which were filed by the investor owned utilities in Florida. Consideration of these issues, in addition to the issue proposed by Air Products, cannot be reasonably accomplished in three days. Air Products' motion for reconsideration is therefore denied, however, Air Products is free to again raise this issue for consideration at a future hearing to be set in this docket to resolve issues related to the negotiation of contracts.

Accordingly, it is

Ordered by the Florida Public Service Commission that the Motion for Reconsideration filed by Air Products and Chemicals, Inc. on February 21, 1991 is hereby denied.

By ORDER of the Florida Public Service Commission, this 4th day of APRIL, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

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ORDER NO. 24328
DOCKET NO. 910004-EU
PAGE 3

NOTICE OF JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

Any party adversely affected by the Commission's final action in this matter may request 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.