

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revisions to renewable energy tariff, by Florida Public Utilities Company.	DOCKET NO. 110089-EQ
In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company.	DOCKET NO. 110091-EQ
In re: Petition for approval of amended standard offer contract, by Progress Energy Florida, Inc.	DOCKET NO. 110092-EI
In re: Petition for approval of revisions to standard offer contract and rate schedules COG-1 and COG-2, by Tampa Electric Company.	DOCKET NO. 110093-EI
In re: Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of revised tariff schedule REF-1, by Gulf Power Company.	DOCKET NO. 110095-EQ ORDER NO. PSC-11-0215-PCO-EQ ISSUED: May 5, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE I. BROWN

ORDER SUSPENDING TARIFFS

BY THE COMMISSION:

On February 22, 2007, we adopted amendments to Rule 25-17.0832, Florida Administrative Code (F.A.C.), and new Rules 25-17.200 through 25-17.310, F.A.C., relating to renewable generating facilities. The rules require each investor-owned utility (IOU) to file with the Commission by April 1 of each year a standard offer contract for the purchase of firm capacity and energy from renewable generating facilities and small qualifying facilities with a design capacity of 100 kW or less. The electric investor-owned utilities, consisting of Florida Power & Light Company, Progress Energy Florida, Inc., Tampa Electric Company, Gulf Power

DOCUMENT NUMBER-DATE

03118 MAY-5 =

FPSC-COMMISSION CLERK

Company, and Florida Public Utilities Company, have all filed the required standard offer contracts by the April 1, 2011, deadline. We have jurisdiction over these contracts under Sections 366.04 and 366.91, Florida Statutes (F.S.).

If we do not take action upon these rate schedules within 60 days after filing, they will automatically go into effect. Our staff has recommended that the proposed tariffs be suspended to allow staff sufficient time to review the petitions and gather all pertinent information in order to present us with an informed recommendation on the tariff proposals. Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days. We find that taking time to thoroughly review the petitions and gather information is good cause consistent with the requirement of Section 366.06(3), F.S., and therefore, the tariffs shall be suspended. Given our decision to suspend the tariffs, these dockets shall remain open to allow our staff adequate time to review the filings and bring a recommendation back to us on the merits of the filings.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company, Progress Energy Florida, Inc., Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Company's proposed standard offer contract tariffs are suspended. It is further

ORDERED that these dockets shall remain open pending final action on the tariffs.

By ORDER of the Florida Public Service Commission this 5th day of May, 2011.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

(S E A L)

LDH

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.