

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to Close ) DOCKET NO. 920581-EQ  
Standard Offer Contract by Gulf ) ORDER NO. PSC-92-0853-FOF-EQ  
Power Company. ) ISSUED: 08/24/92  
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The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER CLOSING GULF POWER COMPANY'S  
STANDARD OFFER CONTRACT TO FURTHER SUBSCRIPTION

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On August 29, 1991, the Commission issued Order No. 24989 approving Gulf Power Company's standard offer contract for the purchase of capacity and energy. Gulf's standard offer was based on a 79 megawatt combustion turbine generating unit with an in-service date of June 1, 1995. The standard offer was scheduled to expire on June 1, 1992, or sooner, if the 79 megawatts was fully subscribed or avoided.

On May 14, 1992, Monsanto Chemical Company notified Gulf Power that it planned to expand its cogeneration capacity in order to self-serve its needs for electric energy. On May 15, 1992, Monsanto delivered a signed standard offer contract for 16 megawatts to Gulf Power.

On May 21, 1992, Gulf filed a petition to close the standard offer contract effective May 16, 1992. Gulf stated that it would consider whether to accept Monsanto's signed standard offer and would continue discussions with Monsanto that could lead to a negotiated contract instead of the standard offer. Since that filing, on July 14, 1992, Gulf submitted a petition to reject the standard offer. Also, on July 14, 1992, Gulf and Monsanto filed a

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REGISTRATION

ORDER NO. PSC-92-0853-FOF-EQ  
DOCKET NO. 920581-EQ  
PAGE 2

joint motion to stay that would allow the parties 90 days to negotiate a contract and postpone a decision on Gulf's petition to reject the standard offer signed by Monsanto. This motion was granted on August 7, 1992, by Order No. PSC-92-0772-PCO-EQ.

We find that there have not been tendered to Gulf any additional signed standard offer contracts, and the date for such submissions has expired. Gulf's acceptance or rejection of Monsanto's 16 megawatt standard offer is currently being addressed in petitions filed by both parties. Accordingly, we approve the petition of Gulf Power Company to close its standard offer contract to further subscription effective May 16, 1992.

It is, therefore,

ORDERED by the Florida Public Service Commission that the petition of Gulf Power Company to close its standard offer contract to further subscription effective May 16, 1992, is granted, as discussed within the body of this Order.

By ORDER of the Florida Public Service Commission, this 24th day of August, 1992.



STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

DLC:bmi

NOTICE OF FURTHER PROCEEDINGS OR 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose

ORDER NO. PSC-92-0853-FOF-EQ  
DOCKET NO. 920581-EQ  
PAGE 3

substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 14, 1992.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater 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 of the effective date 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.