

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of ) DOCKET NO. 920137-EQ  
standard offer contract for ) ORDER NO. PSC-92-1285-FOF-EQ  
cogenerators and small power ) ISSUED: 11/10/92  
producers by Tampa Electric )  
Company. )  
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK  
J. TERRY DEASON  
BETTY EASLEY  
LUIS J. LAUREDO

ORDER APPROVING TAMPA ELECTRIC COMPANY'S  
STANDARD OFFER CONTRACT

BY THE COMMISSION:

At the June 2, 1992 agenda conference, the Commission voted to have Tampa Electric Company (TECO) resubmit its standard offer contract based on a 1999 combustion turbine (CT) as the avoided unit. On July 10, 1992, TECO filed its revised standard offer contract for approval. A decision on TECO's contract was postponed until after the Commission's vote in Docket No. 911142-EQ (the FPC/Ark Energy Docket) because of possible overlap in policy dealing with evaluation of standard offer contracts.

Pursuant to Order No. PSC-92-0536-FOF-EQ, Tampa Electric Company has resubmitted its standard offer contract based on a 1999 combustion turbine as the avoided unit. The performance provisions are virtually the same as TECO's prior standard offer contract that was also based on a CT which includes dispatchability and on-peak performance incentives. The major difference between the current standard offer contract and the prior standard offer contract is the addition of a processing procedure outlined on sheet 8.276 and the evaluation criteria set forth in sheet numbers 8.472 through 8.478.

The evaluation criteria were added to address the concerns that were raised in Docket No. 911142-EQ. In that docket, Ark Energy, Inc. and NOAH IV, Inc. alleged that Rule 25-17.0832(3)(d), Florida Administrative Code, requires a strict "first in time, first in line" approach to selecting standard offer contracts. At the September 29, 1992 agenda conference, the Commission approved

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staff's recommendation that the Commission rules permitted a comparative evaluation of projects submitted when accepting standard offer contracts. TECO has included in the tariff a processing procedure which establishes a two week "open season" for receiving standard offer contracts. Therefore, every developer who signs a standard offer contract should be well informed of the evaluation procedure and evaluation criteria.

One of the Commission's concerns with the FPC standard offer was the timeliness of the notification to potential developers of the evaluation process. Since TECO has included in its tariff a procedure which establishes a two week "open season," potential developers will know when the "open season" begins, and, thus, potential due process concerns are eliminated. By setting the effective date thirty days after the issuance of the Order, bidders will be informed of whether or not a protest has been filed.

Accordingly, we approve TECO's revised proposed standard offer contract. The standard offer contract will become effective thirty days after this Order is issued.

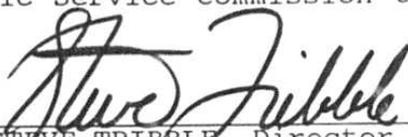
It is, therefore,

ORDERED by the Florida Public Service Commission that the petition for approval of the standard offer contract for cogenerators and small power producers by Tampa Electric Company is granted as discussed within the body of this Order. It is further

ORDERED that the standard offer contract will become effective thirty days after this Order is issued. It is further

ORDERED that this docket shall be closed, if no timely protest is filed. If a timely protest is filed, this tariff shall remain in effect pending resolution of the protest.

By ORDER of the Florida Public Service Commission this 10th day of November, 1992.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), 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 December 1, 1992.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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 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 date this Order becomes final, 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.