

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 920998-EI
agreement for electric service) ORDER NO. PSC-92-1449-FOF-EI
with Container Corporation of) ISSUED: 12/15/92
America and Smurfit Paperboard,)
Inc. by Florida Public Utilities)
Company.)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION

ORDER GRANTING APPROVAL OF AGREEMENT FOR ELECTRIC SERVICE

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.

Florida Public Utilities Company (FPUC) entered into a contract with Container Corporation of America to buy and sell electric power in August, 1982. The contract and rates were approved by this Commission. The applicable rates were reviewed and approved in Fernandina Beach's last rate case in 1988. Most changes to the revised contract simply clarify existing language and requirements. The only substantive change to the revised contract is an increase in the maximum amount of power to be furnished by the utility, from 10,000 KW to 20,000 KW.

Language has been added to protect FPUC's customers by allowing the utility to request the customer to shed load down to the original 10,000 KW level in the event of a failure in transmission facilities which would endanger service to FPUC's other customers. A provision has also been added to allow for periodic checks of the customer's metering. All parties to the agreement have signed the contract.

The changes do not alter the rates or essential terms and conditions of the original contract. All parties have agreed to the revised language and FPUC's existing ratepayers are not

DOCUMENT NUMBER-DATE

14472 DEC 15 1992

FILE RECORDS/REPORTING

ORDER NO. PSC-92-1449-FOF-EI
DOCKET NO. 920998-EI
PAGE 2

affected by the changes. Therefore, there is no reason to delay implementation. Accordingly, the agreement shall become effective when the Proposed Agency Action becomes final.

It is, therefore,

ORDERED by the Florida Public Service Commission that the request for approval of the agreement for electric service with Container Corporation of America and Smurfit Paperboard, Inc., by Florida Public Utilities Company is hereby granted as discussed in the body of this Order. It is further

ORDERED that the agreement shall become effective upon the Proposed Agency Action becoming effective and final. It is further

ORDERED that this Order shall become final and the docket closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission this 15th day of December, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

DLC:bmi

ORDER NO. PSC-92-1449-FOF-EI
DOCKET NO. 920998-EI
PAGE 3

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 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 January 5, 1993.

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.