

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of) DOCKET NO. 951117-EU
Temporary Auxiliary Power) ORDER NO. PSC-96-0031-FOF-EU
Service for Mad Hatter Utility,) ISSUED: January 9, 1996
Inc. by Florida Power)
Corporation and Withlacoochee)
River Electric Cooperative, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TEMPORARY AUXILIARY
POWER SERVICE FOR MAD HATTER UTILITY, INC.

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 18, 1995, Florida Power Corporation (FPC) and Withlacoochee River Electric Cooperative, Inc. (WRECO) filed a joint petition to allow WRECO to provide auxiliary service to Mad Hatter Utility, Inc.'s (Mad Hatter) Carpenter's Run facility in Pasco County pursuant to their Commission approved territorial agreement.

In Section 2.2 of FPC and WRECO's territorial agreement, the parties agreed that one utility may request in writing, and the other utility may in its discretion agree to provide temporary service. Such service shall be submitted to us for approval.

The Florida Department of Environmental Protection (DEP) now is requiring Mad Hatter to have backup power installed at water treatment plants operated by Mad Hatter in Pasco County. Pursuant to Florida Administrative Code 62-555.320(6), Mad Hatter is required to maintain auxiliary power with auto start-up, operated at least once per month continuously for four hours under load to ensure dependability. To meet this requirement, Mad Hatter could install power generators and switchover units at an estimated cost

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of \$90,000 or FPC could construct an additional feeder to the plant. Based upon projected growth, FPC has estimated that installing the additional 12,000 feet of three-phase line along State Road 54 to the Carpenter's Run facility, at a cost of \$281,400, would not be cost effective until the year 2002. Therefore, in lieu of self-generating, Mad Hatter proposed, and DEP approved a plan, to connect the Carpenter's Run facility to WRECO's distribution system. This option will cost Mad Hatter approximately \$5,877 and will satisfy DEP's requirements until FPC can install the necessary equipment to provide dual-feed service to the facility.

WRECO will remain connected to Mad Hatter's Carpenter's Run facility until FPC can economically install the necessary equipment to provide the Carpenter's Run facility with dual feed service. At that time WRECO will disconnect its service line and once again abide by the terms and conditions of the territorial agreement. Currently, FPC has estimated that such service to the Carpenter's Run facility will not be feasible until the year 2002. It is expected that within this time period the area will have sufficiently developed and will require additional electrical equipment that would also be used to serve the Carpenter's Run facility. Therefore, FPC and WRECO shall file a status report on or before January 1, 2002, that indicates the current condition of the auxiliary power arrangement. This will allow staff to remain apprised of the continuance of the auxiliary power arrangement.

FPC and WRECO's joint request minimizes cost to the customer, avoids placing undue burden upon FPC's ratepayers, and is in the public interest. Therefore, we approve FPC and WRECO's request to allow WRECO to provide temporary auxiliary power service to Mad Hatter.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Florida Power Corporation and Withlacoochee River Electric Cooperative, Inc.'s request allowing Withlacoochee River Electric Cooperative, Inc. to provide temporary auxiliary power service to Mad Hatter Utility, Inc., is approved. It is further

ORDERED that Florida Power Corporation and Withlacoochee River Electric Cooperative Inc. shall file a status report on or before January 1, 2002. It is further

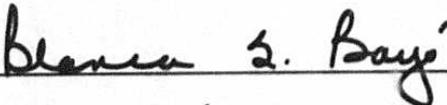
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036,

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Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket should be closed.

By ORDER of the Florida Public Service Commission, this 9th day of January, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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

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Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 30, 1996.

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 substantially 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.