

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revisions to renewable energy tariff by Florida Public Utilities Company.

DOCKET NO. 090155-EQ

In re: Petition for approval of amended standard offer contract and retirement of COG-2 rate schedule, by Progress Energy Florida.

DOCKET NO. 090162-EQ

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 tariff schedule REF-1, by Gulf Power Company.

DOCKET NO. 090163-EQ

In re: Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company.

DOCKET NO. 090165-EQ

In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company.

DOCKET NO. 090166-EQ
ORDER NO. PSC-09-0354-PCO-EQ
ISSUED: May 26, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

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 25-17.200-25-17.310, F.A.C., relating to renewable generating facilities. The new rules require each investor-owned utility (IOU) to file with us 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 revised standard offer contracts reflect each utility's next avoided unit shown in its most recent Ten Year Site Plan. Florida Power & Light Company (FPL), Gulf Power Company (Gulf), Progress Energy Florida, Inc. (PEF), Tampa Electric Company (TECO), and Florida Public Utilities Company (FPUC) have filed the required standard offer contracts.

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FPSC-COMMISSION CLERK

We have jurisdiction over these contracts under Section 366.04 and 366.91, Florida Statutes (F.S.).

On March 31, 2009, FPUC filed for approval of revisions to its Renewable Energy Tariff to reflect changes to their wholesale power purchase costs. On April 1, 2009, FPL, PEF, Gulf, and TECO filed for revisions to their respective Standard Offer Contracts for detailing the terms and conditions for purchase of firm capacity and energy for small qualifying facilities and renewable energy. These filings were made pursuant to Rule 25.17.250, F.A.C., which requires the IOUs to file new standard offer contracts each year on April 1. We find that the proposed tariffs shall be suspended to allow our 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 the reason stated above is good cause consistent with the requirement of Section 366.06(3), F.S.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the revised standard offer tariffs filed by Florida Power & Light Company, Progress Energy Florida Inc., Gulf Power Company, Tampa Electric Company, and the revision to its renewable energy tariff by Florida Public Utilities Company, are hereby suspended. It is further

ORDERED that these dockets shall remain open pending a substantive decision on the proposed tariff revisions.

By ORDER of the Florida Public Service Commission this 26th day of May, 2009.

ANN COLE
Commission Clerk

By: 
Dorothy E. Mehasco
Chief Deputy Commission Clerk

(S E A L)

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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 25-22.060, 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.

