

122 FERC ¶ 61,206
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Florida Power Corporation

Docket Nos. ER07-809-003
ER07-809-004
ER07-809-005

ORDER ON REHEARING REQUEST AND MOTIONS
TO TERMINATE PROCEEDING

(Issued March 6, 2008)

1. Florida Power Corporation doing business as Progress Energy Florida Inc. (Progress Energy) filed a rehearing request of a Commission order conditionally accepting two interconnection agreements with Seminole Electric Cooperative, Inc. (Seminole).¹ Progress Energy subsequently filed a request to withdraw the interconnection agreements and terminate this proceeding. As discussed below, this order accepts Progress Energy's request to withdraw its interconnection agreements and terminate Docket No. ER07-809.

October Order

2. In 2007, Progress Energy submitted two agreements between Progress Energy and Seminole, one executed on March 20, 2006² and an unexecuted agreement that went into effect on December 1, 2006³ (collectively, the 2007 IAs). The Commission conditionally

¹ *Florida Power Corp.*, 121 FERC ¶ 61,027 (2007) (October Order).

² Florida Power Corporation, First Amendment to the 1990 Transmission Interconnection Agreement (1990 IA).

³ Florida Power Corporation, First Revised Rate Schedule FERC No. 129 (December IA).

accepted the filing, subject to Progress Energy revising the 2007 IAs to conform to Order No. 2003.⁴

3. Progress Energy then filed a request for reconsideration or rehearing in which it asked the Commission to hold the case in abeyance. It later filed a superseding motion to withdraw the 1990 IA and terminate the proceedings in this docket. Shortly thereafter, Progress Energy filed a request to withdraw Attachment A to the December IA (Attachment A). In that filing, Progress Energy noted that the effect of granting its motion to withdraw the 2007 IAs would be to “moot all issues in this proceeding.”⁵

4. Meanwhile, following issuance of the October Order, Progress Energy and Seminole entered into new negotiations to revise and supersede the 2007 IAs at issue in the October Order. Progress Energy filed a New Interconnection Agreement and revised Attachment A in a separate docket with the Commission.⁶ Progress Energy argues that the New Interconnection Agreement and revised Attachment A clarify the nature of the upgrades being conducted and conform to the Commission’s determination in the October Order that any such upgrades are governed by Order No. 2003.

Commission Determination

5. We accept Progress Energy’s request to withdraw the 2007 IAs. Given that Progress Energy has filed a New Interconnection Agreement and a revised Attachment A to supersede the 2007 IAs, which are being accepted contemporaneously with this order, it is appropriate to order termination of Docket No. ER07-809. Accordingly, we find that since the provisions giving rise to Progress Energy’s rehearing request are being terminated, the rehearing request is moot.

⁴ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003, 68 FR 49,845 at P 34 (August 19, 2003), FERC Stats. & Regs. ¶ 31,146 (2003), *order on reh’g*, Order No. 2003-A, 69 FR 15,932 (March 26, 2004), FERC Stats. & Regs. ¶ 31,160 (2004), *order on reh’g*, Order No. 2003-B, 70 FR 265 (January 4, 2005), FERC Stats. & Regs. ¶ 31,171 (2004), *order on reh’g*, Order No. 2003-C, 70 FR 37,661 (June 30, 2005), FERC Stats. & Regs. ¶ 31,190 (2005), *affirmed sub nom. Nat’l Ass’n of Regulatory Util. Comm’rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007).

⁵ Florida Power Corp., Supplemental Motion to Withdraw Attachment A to the Contract for Interchange Service of Florida Power Corporation at 2 (January 22, 2008).

⁶ See Docket No. ER08-458-000.

The Commission orders:

Progress Energy's requests to withdraw the 2007 IAs and to terminate Docket No. ER07-809 are hereby accepted, and its rehearing request is hereby dismissed.

By the Commission.

(S E A L)

Kimberly D. Bose,
Secretary.