

112 FERC ¶ 61,272  
FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

September 15, 2005

In Reply Refer To:  
TPS Dell, LLC  
Docket No. ER05-1239-000  
TPS McAdams, LLC  
Docket No. ER05-1240-000  
TPGC, LP  
Docket Nos. ER05-1164-000  
ER05-1164-001  
TPS Dell, LLC; TPS McAdams, LLC;  
TECO-PANDA Generating Company,  
L.P.  
Docket No. EL05-68-000

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Dear Mr. Silverman:

1. On July 22, 2005, TPS Dell, LLC (Dell), and TPS McAdams, LLC (McAdams), submitted notices of cancellation of their market-based rate tariffs. On June 29, 2005, TPGC, LP (TPGC) submitted a notice of succession, and on July 29, 2005, TPGC submitted a notice of cancellation of its market-based rate tariff. In this order, the Commission accepts TPGC's notice of succession and revised tariff, effective June 1, 2005.<sup>1</sup> The Commission also accepts the notices of cancellation filed by Dell, McAdams, and TPGC, effective as discussed below. Dell, McAdams, and TPGC are hereby informed of the tariff designations.<sup>2</sup>

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<sup>1</sup> FERC Electric Tariff, Original Volume No. 1, First Revised Sheet Nos. 1 and 3-6, Second Revised Sheet No. 2.

<sup>2</sup> Dell, FERC Electric Tariff, Original Volume No. 1, First Revised Sheet No. 1 (cancels FERC Electric Tariff, Original Volume No. 1); McAdams, FERC Electric Tariff, Original Volume No. 1, First Revised Sheet No. 1 (cancels FERC Electric Tariff, Original Volume No. 1); TPGC, FERC Electric Tariff, Original Volume No. 1, Second Revised Sheet No. 1 (cancels FERC Electric Tariff, Original Volume No. 1).

2. This order also terminates the section 206 proceeding instituted in Docket No. EL05-68-000<sup>3</sup> with regard to Dell, McAdams and TECO-PANDA Generating Company, L.P. (Panda).<sup>4</sup> Since Dell, McAdams, and TPGC (formerly Panda) are canceling their market-based rate tariffs, there is no further need to include them in the section 206 proceeding.

### **Procedural Matters**

3. Notice of the filings by Dell and McAdams was published in the *Federal Register*, 70 Fed. Reg. 44,350 (2005), with interventions or protests due on or before August 12, 2005. None was filed.

4. Notice of TPGC's filing of a notice of succession was published in the *Federal Register*, 70 Fed. Reg. 41,001 (2005), with interventions or protests due on or before July 20, 2005. Notice of TPGC's notice of cancellation was published in the *Federal Register*, 70 Fed. Reg. 48,117 (2005), with interventions or protests due on or before August 19, 2005. None was filed.

### **Discussion**

5. In their notices of cancellation, Dell and McAdams state that they have decided not to construct a planned generating facility, and thus no longer need to retain their market-based rate authorization. McAdams states that it has made no sales under its market-based rate tariff to date, while Dell states it has made only one sale to date and is not currently making any sales.

6. Dell and McAdams request an effective date of July 22, 2005, the date of their filings, because neither Dell nor McAdams engage in wholesale sales of power. The Commission finds that Dell and McAdams have not demonstrated good cause to justify waiver of the prior notice requirement for an effective date of July 22, 2005. Therefore, consistent with section 205 of the Federal Power Act<sup>5</sup> and the Commission's regulations,<sup>6</sup> these notices of cancellation will be effective September 21, 2005, after 60 days notice from the date of filing.

7. TPGC states in its notice of succession that as of June 1, 2005, Panda changed its name to TPGC. TPGC filed revised tariff sheets to reflect this name change.

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<sup>3</sup> *Tampa Electric Co.*, 110 FERC ¶ 61,206 (2005) (instituting a section 206 proceeding for the listed entities to determine whether they may continue to charge market-based rates in the Tampa Electric Company and Reedy Creek Improvement District control areas).

<sup>4</sup> See *infra* P 7 (explaining name Panda's name change).

<sup>5</sup> 16 U.S.C. § 824d (2000).

<sup>6</sup> See 18 C.F.R. § 35.15 (2005).

8. TPGC states in its notice of cancellation that it proposes to cancel its tariff because its parent company, TECO Energy, Inc., has decided to exit the merchant generation and power-trading businesses. TPGC states that it is not currently making sales under its tariff and no longer needs to retain market-based rate authorization.

9. TPGC requests an effective date for its notice of cancellation of July 29, 2005, the date of its filing. The Commission finds that TPGC has not demonstrated good cause to justify waiver of the prior notice requirement for an effective date of July 29, 2005. Therefore, consistent with section 205 of the Federal Power Act<sup>7</sup> and the Commission's regulations,<sup>8</sup> TPGC's notice of cancellation will be effective September 28, 2005, after 60 days notice from the date of filing.

10. The Commission notes that because the requests by Dell, McAdams, and TPGC to cancel their market-based rate authority are granted herein, any waivers and authorizations previously granted in connection with their market-based rate authority are no longer applicable.

By direction of the Commission.

Magalie R. Salas,  
Secretary.

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<sup>7</sup> 16 U.S.C. § 824d (2000).

<sup>8</sup> *See* 18 C.F.R. § 35.15 (2005).