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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power Corporation for Determination That Its Plan for Curtailing Purchases from Qualifying Facilities in Minimum Load Conditions is Consistent With Rule 25-17.086, F.A.C. )  
 ) DOCKET NO. 941101-EQ  
 ) FILED: May 5, 1995  
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MONTENAY-DADE, LTD.'S AND METROPOLITAN DADE COUNTY'S  
REVISED STATEMENT OF ISSUES AND POSITIONS

Montenay-Dade, Ltd. and Metropolitan Dade County, hereinafter referred to collectively as Montenay/Dade County, in accord with directions given at the prehearing conference in this docket, hereby submit this their Revised Statement of Issues and Positions and say as follows.

Issues and Positions

ISSUE 1: Has Florida Power Corporation adequately demonstrated that the minimum load conditions for curtailment outlined in its Plan comply with Commission Rule 25-17.086, Florida Administrative Code?

- ACK
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAP \_\_\_\_\_
- CFR \_\_\_\_\_
- CT \_\_\_\_\_
- EA *Stutrell*
- LE *1*
- LI *5*
- C \_\_\_\_\_
- R \_\_\_\_\_
- SL *1*
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

**MONTENAY/DADE COUNTY:** No. Florida Power Corporation has not adequately demonstrated that it would incur negative avoided costs if it continued to purchase QF power during low load conditions. Moreover, FPC cannot require dispatchability of QFs by invoking the Commission's rule because it consciously decided not to negotiate for dispatchable QF contracts.

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DOCUMENT NUMBER-DATE

*WAS*  
FPSC-BUREAU OF RECORDS

04437 MAY-5 94

FPSC-RECORDS/REPORTING

**ISSUE 2:** Has Florida Power Corporation adequately demonstrated that its plan incorporates all appropriate measures to mitigate the need for curtailment during minimum load conditions?

**MONTENAY/DADE COUNTY:** No.

A. Has Florida Power Corporation adequately demonstrated that it attempted to mitigate any foreseeable imbalance between generation and load during minimum load conditions by committing the most appropriate combination of generation resources for the circumstances?

**MONTENAY/DADE COUNTY:** No.

B. Does the proposed Curtailment Plan properly require Florida Power Corporation to take all appropriate measures to decrease other sources of generation to mitigate any imbalance between generation and load?

**MONTENAY/DADE COUNTY:** No.

C. Does the proposed Curtailment Plan properly require Florida Power Corporation to take all appropriate measures to increase sales to mitigate any imbalance between generation and load?

**MONTENAY/DADE COUNTY:** No.

**ISSUE 3:** Has Florida Power Corporation adequately demonstrated that the procedures for curtailment outlined in its

plan are reasonable and appropriate?

**MONTENAY/DADE COUNTY:** No.

**ISSUE 4:** Has Florida Power Corporation adequately demonstrated that its proposed plan allocates justifiable curtailments among QFs in a fair and not unduly discriminatory manner?

**MONTENAY/DADE COUNTY:** Yes. (Smith)

**ISSUE 5:** If the procedures set forth in Florida Power Corporation's curtailment plan are consistent with Rule 25-17.086, Florida Administrative Code, did Florida Power Corporation properly implement the procedures during the curtailments that occurred from October, 1994 through January, 1995?

**MONTENAY/DADE COUNTY:** No.

**ISSUE 6:** Has Florida Power Corporation adequately demonstrated that the curtailments that have occurred from October 1, 1994 through January 31, 1995 were necessary to avoid negative avoided costs?

**MONTENAY/DADE COUNTY:** No.

A. In determining whether purchases of firm QFs' generation during an operational circumstance that satisfies Rule 25-17.086 would cause FPC to incur

costs greater than the costs FPC would incur if FPC supplied the energy, what costs are appropriate to consider?

**MONTENAY/DADE COUNTY:** The only appropriate costs to consider are variable production costs.

B. In determining whether purchases of firm QFs' generation during an operational circumstance that satisfies Rule 25-17.086 would cause FPC to incur costs greater than FPC would incur if FPC supplied the energy, what is the appropriate time frame to measure?

**MONTENAY/DADE COUNTY:** The appropriate time frame for analysis is the same time period used to determine the commitment of the base load unit that would, hypothetically, have to be shut down as the alternative to curtailing QF generation, making additional sales, or pursuing other mitigation measures.

**ISSUE 7 (LEGAL ISSUE):** What is the permissible scope of Rule 25-17.086, Florida Administrative Code, in view of the federal standards of 18 CFR § 292.304 implementing section 210 of PURPA?

**MONTENAY/DADE COUNTY:** The Commission's rules governing utility curtailments of QF purchases cannot

provide broader grounds for such curtailments than are permitted under the corresponding provisions of PURPA and the FERC's rules implementing PURPA.

**ISSUE 8:** Should the Commission approve Florida Power Corporation's Curtailment Plan as being in compliance with Rule 25-17.086?

**MONTENAY/DADE COUNTY:** No.

Respectfully submitted this 5th day of May, 1995.

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By: Robert Scheffel Wright  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 5<sup>th</sup> day of May, 1995:

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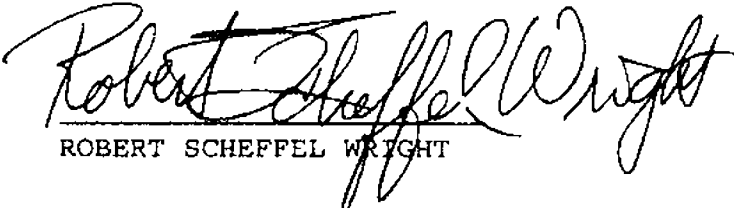
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