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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

**PANDA-KATHLEEN, L.P.' S AND PANDA ENERGY COMPANY'S
PREHEARING STATEMENT**

Panda-Kathleen, L.P. and Panda Energy Company ("Panda") by and through its undersigned attorney files this prehearing statement pursuant to Rule 25-22.038(3), Florida Administrative Code.

A. Witnesses: None.

B. Exhibits: At this time Panda does not plan to introduce exhibits, but reserves the right to introduce cross-examination exhibits if necessary.

C. Basic Position: No position at this time.

ISSUES

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

Panda's Position: No position at this time.

ISSUE 2: Has Florida Power Corporation adequately demonstrated that it has 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?

Panda's Position: No position at this time.

ISSUE 3: 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?

Panda's Position: No position at this time.

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FPSC-RECORDS/REPORTING

ISSUE 4: 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?

Panda's Position: No position at this time.

ISSUE 5: Has Florida Power Corporation adequately demonstrated that the procedures for curtailment outlined in its plan are reasonable and appropriate?

Panda's Position: No position at this time.

ISSUE 6: Has Florida Power Corporation adequately demonstrated that its proposed plan allocates justifiable curtailment among QF's in a fair and not unduly discriminatory manner?

Panda's Position: No position at this time.

ISSUE 7: Has Florida Power Corporation properly implemented the procedures set forth in the plan during the curtailment that have occurred from October 1994, to January 1, 1995?

Panda's Position: No position at this time.

ISSUE 8: Has Florida Power Corporation adequately demonstrated that the curtailments that have occurred from October 1, 1994, through January 1, 1995, were necessary to avoid negative avoided costs?

Panda's Position: No position at this time.

LEGAL ISSUE

ISSUE 9: What is the permissible scope of Rule 25-17.086, Florida Administrative Code, as an implementation of Section 210 of PURPA?

Panda's Position: No position at this time.

ISSUE 10: Should the Commission approve Florida Power Corporation's curtailment plan as being in compliance with Rule 25-17.086

Panda's Position: No position at this time.

E. QUESTIONS OF LAW: None.

F. POLICY QUESTIONS: None.

- G. STIPULATED ISSUES: None.
- H. PENDING MOTIONS OR OTHER MATTERS: None.
- I. REQUIREMENTS THAT CANNOT BE COMPLIED WITH. None

Respectfully submitted this 5th day of May, 1995.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by United States Mail on the following individuals this 5th day of May, 1995.

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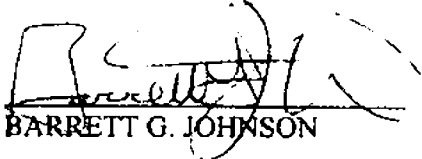
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