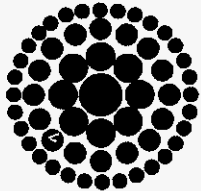


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ORIGINAL
FILE COPY



**Florida
Power**
CORPORATION

JEFFERY A. FROESCHLE
CORPORATE COUNSEL

February 12, 1996

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 950110-EI

Dear Ms. Bayó:

Enclosed for filing in the subject docket please find the original and one copy of Florida Power Corporation's Notice of Intent to Use Documents, at the February 19, 1996 Hearing, Claimed to be Confidential by Panda Kathleen, L.P.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned.

Thank you for your assistance in this matter.

Very truly yours,

Jeffery A. Froeschle

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG Huff
- LEG 2
- LIN 6
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

JAF/jb
Enclosures

RECEIVED & FILED
mas
FEB 13 1996

DOCUMENT NUMBER-DATE
01702 FEB 13 1996

GENERAL OFFICE

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Standard Offer Contract for the purchase of firm capacity and energy from a qualifying facility between Panda-Kathleen, L.P. and Florida Power Corporation.

Docket No. 950110-EI

Submitted for filing:
February 13, 1996

**NOTICE OF INTENT TO USE DOCUMENTS,
AT THE FEBRUARY 19, 1996 HEARING,
CLAIMED TO BE CONFIDENTIAL BY PANDA-KATHLEEN L.P.**

Florida Power Corporation (Florida Power), hereby submits this Notice of Intent to Use Documents, at the February 19, 1996 Hearing, Claimed to be Confidential by Panda-Kathleen L.P. (Panda). Pursuant to Section 366.093, Florida Statutes, Rule 25-22.006, F.A.C, the August 26, 1995 Agreed Order for the Handling of Confidential Information, and the February 9, 1996 proposed Prehearing Order, Florida Power hereby formally notifies the Prehearing Officer and all parties of record of its intent to use some or all of the documents described in Exhibits "A" and "B", attached hereto, at the February 19, 1996 hearing before the Commission.

The documents described in Exhibit "A" are actual exhibits from the various depositions taken in preparation for this hearing. As such, the witnesses testifying before the Commission have seen, reviewed and previously testified about matters discussed in these documents. The documents described in Exhibit "B" were produced by Panda during the course of this litigation and have not been previously testified to by the witnesses.

No document identified by Florida Power for use in this proceeding has been redacted by Panda for alleged proprietary confidential business information.

DOCUMENT NUMBER-DATE

01702 FEB 13 1996

FPSC-RECORDS/REPORT 1376

Therefore, pursuant to the terms of the Agreed Order for the Handling of Confidential Information, Florida Power will assume that, until the Commission rules otherwise, the documents are confidential in their entirety.

For purposes of procedure during the course of the hearing, Florida Power proposes that no party, witness or counsel, during summary, direct or redirect examination, be allowed to quote specific names, numbers or any other specifically identifying characteristics from any of the documents listed in Exhibits "A" or "B", claimed to be confidential by Panda.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

By



Jeffery A. Froeschle

James A. McGee

Post Office Box 14042

St. Petersburg, FL 33733-4042

Telephone: (813) 866-5184

Facsimile: (813) 866-4931

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 950110-EI

EXHIBIT "A"

DOCUMENTS PREVIOUSLY USED AS DEPOSITION EXHIBITS AND
INTENDED TO BE USED BY FLORIDA POWER CORPORATION
DURING THE FEBRUARY 19, 1996 HEARING

DEPOSITION Exhibit No.	DATE	DESCRIPTION	BATES NO.
004	92-01-02	Interoffice Memo from Lindloff to Wolf, Killian, Gwynn, Bagby, Kinney (re meeting on 1/9/92 meeting, with handwritten questions)	PK 048158-61 [SR]
005	92-01-22	Letter from Kinney to Gammon re Interconnection Facility	PK 082603-04 [SR]
007	92-04-21	Fax Transmitting 4/21/92 Brinson Trip Report to Carter and van Kuilenburg to Carter, Kuilenburg, Wolf, Kinney, Bagby, Lindloff, Bentley re Brinson and Kinney trip to Lakeland and FPC	PK 042565-68 [SR]
008	92-05-04	Fax transmitting 5/5/92 Brinson Trip Report to Carter and van Kuilenburg to Carter, Kuilenburg, Wolf, Kinney, Bagby, Lindloff, Bentley re Brinson trip to FPC 4/28 - 5/1	PK 081675-77 [SR]
010	92-07-31	Brinson Trip Report to Carter, Kuilenburg, Wolf, Kinney, Bagby, Lindloff, Bentley, Dietz re trip to FPC 7/28 - 7/30	PK 033552-55 [SR]
011	92-08-27	Fax from Kinney to Bob Bibb re comparison of V64.3 and LM6000 turbine configurations	PK 031376-80 [SR]
012	92-08-28	Fax from Carrie (Panda) to Brinson and fax from Emile Allen to Kinney and ltr from Belmot Constructors to Panda (van Kuilenburg) re V64 Turbine offer (74,600 KW)	PK 004761-64 [C]
013	92-09-01	Proposal from Century Contractors West to Panda for Construction of Facility V64.3 Turbine configuration	PK 045876-920 [SR]
014	92-09-03	Letter from Century Contractors West to Panda (Brinson and van Kuilenburg re performance specifications and guarantees (guarantying 78 MW facility)	PK 031371-75 [SR]
015	92-09-11	Letter from Dietz to Century Contractors West re Scope of Supply and Siemens V64.3 or ABB - 8NC turbines	PK 031365-70 [SR]
016	92-09-16	Fax from Century Contractors West to van Kuilenburg of 9/16/92 letter from Century Contractors West to van Kuilenburg re EPC prices and guaranteed output of 74.9 MW	PK 031293-95 [SR]
017	92-09-30	Analysis of Panda Operations and Various Gas Turbines showing net present value comparisons of LM6000, V64.3, ABB 8C and W251B12 turbines	PK 057511-13 [SR]
018	92-09-30	Interoffice Memorandum from Dietz to van Kuilenburg re Operating Income comparison of four turbines mentioned in DX 017	PK 057505-10 [SR]

DEPOSITION Exhibit No.	DATE	DESCRIPTION	BATES NO.
019	92-10-01	Letter from van Kuilenburg to ABB (Farmer) confirming ABB's proposal to supply an ABB GT8C gas turbine, with 92-10-05 letter of intent from Farmer to Kinney to supply that turbine (s/ by Kinney and Farmer)	PK 005209-12
020	92-10-06	Kinney's Handwritten Notes of Meeting with Northern Engineering re ABB 8C turbine configuration	PK 010100-03 [C]
021	92-10-10	Kinney's Handwritten Notes of Saturday morning meeting at Panda attended by Killian, Lindloff, Gwynn, Kinney and Dietz	PK 057514-19 [SR]
022	92-10-15	Memorandum from Dietz to Killian re Monthly Plant Output and Heat Rate for 5 Plant Configuration showing 11N produces roughly 110-115 MW year round	PK 057480-92 [SR]
023	92-10-16	Equipment Analysis showing net cash flow from ABB 8C, ABB 11N, GE 7EA, LM 6000 turbines	PK 031508 [SR]
024	92-10-29	10/29/92 letter from Kinney to Century Contractors West with copy to Dietz and van Kuilenburg re Change in Scope of supply using ABB 11N turbine (115 MW)	PK 031239-41 [SR]
025	92-11-12	Honey fax to Bagby of Polk Power Partners decision, with Kinney's handwritten notes on it	PK 082821-24 [SR]
026	93-01-12	Comparison of EPC pricing for Lakeland project using ABB 8NC and ABB 11N1 of Belmont, Northern Engineering and Century Contractors West	PK 031834-37 [SR]
027	93-01-06 [misdated as 92-01-06]	Memo from Killian to Kinney re Impact of extending COD date re Pipeline capacity (FGT)	PK 082710-11 [SR]
030	91-02-08	Panda Limited Partnership Agreement	PK 074913-15 [SR]
031	92-12-31	Panda Amended and Restated Limited Partnership Agreement	PK 074968-70 [SR]
032	91-01-16	Letter from Gwynn to FERC with Panda Energy Corporation's Notice of Self Certification as a QF at 150 MW	PK 017314-18 [C]
033	91-10-04	Letter from Argenbright to Dolan with Panda's signed Standard Offer Contract	PK 082499-566 [SR]
038	91-12-11	Service Agreement for Firm Transportation Service between Panda and FGT	PK 075298-313 [SR]
039	92-08-28	Security Agreement between FGT and Panda granting security interest in Standard Offer Contract, Steam Host letter of intent and anticipated contract to FGT	PK 048194-97 [SR]
040	91-10-07	Letter from Gwynn to FERC with Panda Kathleen, L.P.'s "Amended and Restated Notice of Self-Certification as A Qualifying Cogeneration Facility"	PK 017311-13 [C]

DEPOSITION Exhibit No.	DATE	DESCRIPTION	BATES NO.
042	91-10-25 (deadline)	FPC Questionnaire sent to Panda re Standard Offer Contract submission	P-K000603-05
046	92-09-16	Fax from Dietz to Brinson with 9/14/92 letter from Van Kuilenburg to Farmer of ABB re quotations for GT8C Gas Turbine	PK 047930-32 [SR]
048	92-10-08	Memo (handwritten) from Lindloff to Dietz re 9/29/92 telephone conference with Honey and re early 1992 approach to purchasing excess energy	PK 082582-84 [SR]
049	92-10-08	Memo from Dietz to Killian re month by month estimates of plant power output for ABB 8C gas turbine based on weather and expected Erly Juice steam consumption (75 MW - 75.4 MW)	PK 037130-32 [SR]
050	92-10-15	Memo from Dietz to Killian re month by month estimates of plant power output for LM 6000, Frame 7EA, ABB 11N, ABB 8C	PK 044881-93 [SR]
051	92-10-21	Letter from Stewart & Stevenson Services, Inc. to Van Kuilenburg (Panda) re price proposals for 2 LM6000 whosing different prices depending on the guaranteed PPM (<i>i.e.</i> 25 PPM v. 15 PPM v. 9 PPM) and offering free SCR if order at 15 PPM and they can't deliver)	PK 044726-33 [SR]
052	92-11-17	Memo from Brinson to Van Kuilenburg/Rob Wolf re Lakeland Air permit (permitting for two units)	PK 004493-94 [C]
053	92-12-01	Letter from ECT to Kinney re effects of delays in milestones on ability to get permits (including the important permit involving 25 v. 15 PPM); <i>note</i> Kinney appears to write that construction must start 18 month after permit issuance	PK 004663-65 [C]
054	92-12-09	Letter from Kinney to ECT (Meling) cc: Van Kuilenburg, Brinson, Bentley and Dietz directing parallel permitting efforts, one for the ABB Type 11 (<i>i.e.</i> 115 MW) and the other for the ABB Type 8 (<i>i.e.</i> 75 MW)	PD 005482-83 [C]
055	93-01-26	Letter of Intent from Carter to Century Contractors West, Inc. re selection as sole source of EPC, regarding two proposals, one for the ABB 11N and one for the smaller ABB 8NC	PK 031835-37 [SR]
057	94-03-10	Memo from Cheek to Killian, Urban, Hollon, Argenbright, Dietz re proposed sale of 35 MW to Lakeland	PK 038091 [SR]
058	94-03-30	Memo from Cheek to Killian, Urban, Lindloff, Carter re proposed sale of 35 MW to Lakeland	PK 049083-86 [SR]
060	94-05-02	Lakeland's rejection of Panda's proposal to sell 35 MW of capacity and 35-125 MW of energy	PK 076131-34 [SR]
061	94-06-15	Letter from ABB to Hollon (Panda) asking due diligence questions re proposed \$2 million investment into the project	PK 050418-30 (?) [SR]
062	94-06-23	Letter from Hollon to ABB, cc: to Carter, Wright, Nordlund, Urban, Dietz, Killian, Woodruff answering his 6/20/94 questions and explaining that FPC is aware of the proposed size of facility and that no correspondence exists because it has not been an issue	PK 059563-67

DEPOSITION Exhibit No.	DATE	DESCRIPTION	BATES NO.
063	94-07-19 94-07-18	Comparative analysis of economics of different size facilities, including 80 MW and 75 MW Plants	PK 059412-15 [SR]
064	94-07-18	Analysis of output of smaller facilities at 80 MW and 75 MW (prepared by Dietz)	PK 044831-33 [SR]
066	94-08-24	Fax from Barrett Johnson to Bill Nordlund with 8/23/94 letter from Johnson to Jenkins and 8/24/94 letter from Jenkins to Johnson	PK 012671-73 [C]
067	94-10-11	Fax from Dietz (Panda) to Calpine Corporation re request for proposal, in which he describes facility as 110 MW	PK 017561-75 [C]
068	94-10-19	Sheet indicating statistics on LM2500	PK 046369-72
069	92-10-14	Weather data on Frame 7EA prepared by Dietz	PK 045026 [SR]
071	95-01-16	Memo from Woodruff to Distribution re answers to questions from Brown & Wood and White & Case	PK 056160-85
072	95-02-23	Letter from Dietz to Ogden Environmental and Energy Services in which he states the PSC proceeding should be concluded by early April 1995	PK 017664-69 [C]
074	92-10-15	Handwritten Memo from Meling (ECT) to Kinney re 15 PPM	PK 008725 [C]
076	94-02-28	Letter from Gilbert/Commonwealth showing net output of 114,600 KW to 131,200	PK 031662-63 [SR]
077	94-04-04	Ltr from Cheek (Panda) to City of Lakeland re proposal to sell Lakeland 35 MW of capacity and 35-125 MW of energy	PK 049079-82 [SR]
078	94-04-05	Agenda for Panda-Kathleen Prebid (refers to 75 MW v. 110 MW)	PK 049427 [SR]
079	94-06-20	Letter from ABB to Hollon re response to his 6/16/94 letter with additional questions, including "Where does the PPA require FPC to accept capacity and energy greater than 75 MW?"	PK 059524-26 [SR]
091	93-02-11	Action Item Priority List (showing no agreement on Schedule 4 [sic] 3)	PK 070833-35 [SR]
092	93-03-08	Handwritten Notes re various subjects, including reference to the 20/30 year issue	PK 005994-95 [C]
093	95-01-04 [sic 94]	Letter from Barrett Johnson to Steven Argenbrite	PK 054255-58
095	94-06-22	Handwritten notes from Panda's people (Hollon or Woodruff) of 6/22/94 meeting at FPC	PK 043426-34 [SR]
099	93-03-23	Memo from Hollon to Burgre re meeting that date with various people	PK 005976-77
110		Non Utility Generation and Non Price Evaluation Criteria and notes	134597-602

DEPOSITION Exhibit No.	DATE	DESCRIPTION	BATES NO.
136	93-01-13	Panda's handwritten notes concerning meeting with Lakeland	PEC70016
148	95-01-17	Private Placement of Secured Universal Project Equity Reserve Medium-Term Notes	BK Tokyo 00 03738-03779
150	95-01	Presentation to Rating Agencies Regarding Financing Structure for Panda-Kathleen Cogeneration Project	PK 020021- 020108
152	94-12-13	Press Release from Bank of Tokyo	PK 018564

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 950110-EI

EXHIBIT "B"

DOCUMENTS PRODUCED BY PANDA-KATHLEEN L.P., AND
INTENDED TO BE USED BY FLORIDA POWER CORPORATION
DURING THE FEBRUARY 19, 1996 HEARING

DEPOSITION Exhibit No.	DATE	DESCRIPTION	BATES NO.
	94-06-16	Letter to ABB re: Panda Kathleen Cogeneration Facility Development Loan - Due Diligence	PK 050421-428
	94-07-19	Panda Energy Corp., Kathleen (FPC) Project - Comparison of Plant Sizes	PK 059413-15
	94-08-26	Memorandum from Kyle Woodruff re: Walsh Due Diligence for Kathleen	PK 037809-818
	94-11-29	Letter to Panda from Walsh Construction Co.	PK 050852
	94-12-16	Letter to ABB from Walsh Construction Co.	PK 045600
	94-12-16	Memorandum from G. Drumm re: Panda-Kathleen Cogeneration Project	PK 031979-82
	94-12-29	Letter to ABB from Walsh Construction Co.	PK 051357-60
	95-01-06	Letter to Bank of Tokyo from Brown & Root, Inc.	PK 019745-47
	95-01-10	Letter from Brown & Wood re: Panda Kathleen Project with attached letters dated 1/10/95 from Brown & Wood to Distribution List; 12/28/94 from White & Case to Chadbourne & Parke; and 1/9/95 from White and Case to Chadbourne & Parke	PK 019763-73
	95-01-13	Facsimile from Walsh Construction to Ted Hollon with attached letters dated 11/3/94; from Walsh to ABB; 11/8/94 from ABB to Walsh; 11/16/94 from Walsh to ABB; 11/22/94 from ABB to Walsh 11/29/94 from Walsh to Panda; 12/16/94 from Walsh to ABB; 12/22/94 from ABB to Walsh; 12/29/94 from Walsh to ABB; 01/05/95 from ABB to Walsh	PK 051332-353
	95-01-24	Memorandum from Kyle Woodruff re: Panda Kathleen Project Status Meeting of 1/23/95	PK 018126
	95-01-26	Letter to Panda-Kathleen, L.P. from Walsh Construction Co.	PK 051319
	95-01-26	Facsimile from Resorcon to Millis & Co.	PK 042146-150

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Standard Offer Contract for
the purchase of firm capacity
and energy from a qualifying
facility between Panda-Kathleen,
L.P. and Florida Power
Corporation.

Docket No. 950110-EI

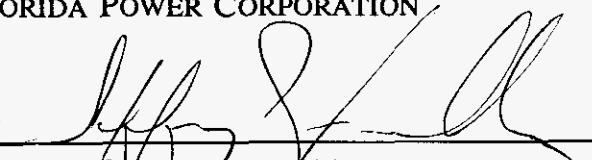
Submitted for filing:
February 13, 1996

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power Corporation's Notice of Intent to Use Documents, at the February 19, 1996 Hearing, Claimed to be Confidential by Panda-Kathleen L.P., has been furnished to David L. Ross, Esq., Greenberg, Traurig, Hoffman, Lipoff, Rosen & Quentel, P.A., 1221 Brickell Avenue, Miami, Florida 33131 and Martha Carter Brown, Division of Legal Services, Florida Public Service Commission, 2450 Shumard Oak Blvd., Tallahassee, Florida 32399-0892, by express delivery this 8th day of February, 1996

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

By



Jeffery A. Froeschle
James A. McGee
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (813) 866-5786
Facsimile: (813) 866-4931