

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Expedited)
Approval of Settlement Agreement)
with Lake Cogen, Ltd. by Florida)
Power Corporation)
_____)

Docket No. 961477-EQ
Filed: March 6, 1997

PETITION TO INTERVENE OF LAKE COGEN, LTD.

LAKE COGEN, LTD. (hereinafter "Lake Cogen"), pursuant to Commission Rules 25-22.039 and 25-22.036(7), Florida Administrative Code, respectfully petitions the Commission to grant this its petition to intervene and permit Lake Cogen to participate in this proceeding as a full party. The Commission should grant this petition to intervene because Lake Cogen, through its managing general partner, NCP Lake Power, Inc., is the other signatory to the Settlement Agreement that is the subject of this docket, as well as the Qualifying Facility who sells power to Florida Power Corporation pursuant to the Power Purchase Agreement ("PPA") that will be amended by the Settlement

WCK _____
AFA 2
APP _____
CAF _____
CML _____
CIR _____
EAC 1
LE 1
L _____
M _____
ROM _____
SEC 1
WAS _____
OTH By Don

Agreement herein. Accordingly, Lake Cogen's substantial interests will be affected by the Commission's actions in this proceeding. In further support of its petition, Lake Cogen states as follows:

1. The name and mailing address of Lake Cogen are:

Lake Cogen, Ltd.
c/o GPU International, Inc.
One Upper Pond Road
Parsippany, New Jersey 07054

2. The names and mailing addresses of the persons authorized to receive notices, orders, and other communications in this proceeding and with respect to this petition are:

Robert Scheffel Wright
LANDERS & PARSONS, P.A.
310 West College Avenue
Post Office box 271
Tallahassee, Florida 32302

Wendy Greengrove, Esquire
Director - Legal and
Corporate Affairs
GPU International, Inc.
One Upper Pond Road
Parsippany, NJ 07054

For deliveries by hand and by courier service, the Zip Code for 310 West College Avenue is 32301.

3. Lake Cogen owns and operates a 112 MW gas-fired cogeneration facility (the "Lake Facility") in Umatilla, Lake County, Florida, and sells firm capacity and energy from the facility to FLORIDA POWER CORPORATION ("Florida Power," "FPC") pursuant to that certain Negotiated Contract For The Purchase Of Firm Capacity And Energy From A Qualifying Facility between Lake Cogen and FPC dated March 13, 1991 (the "PPA" or the "Contract"). NCP Lake is the managing general partner of Lake Cogen, Ltd. ("Lake Cogen"). Thermal energy produced by the Lake Facility is sold, in the form of steam, to Golden Gem Growers, Inc. for use in its citrus processing plant. Lake Cogen is a "qualifying facility" or "QF" as contemplated by the applicable rules of the Florida Public Service Commission (the "Commission") and the Federal Energy Regulatory Commission (the "FERC"). The Contract was approved by Commission Order No. 24374, issued on July 1, 1991 in Docket No. 910401-EQ. A certain action with respect to the PPA, specifically relating to a written agreement by which Lake Cogen will reduce its output during off-peak hours, was

approved, for cost recovery purposes, by the Commission in its Order No. PSC-95-0540-FOF-EQ, issued in Docket No. 940797-EG on May 2, 1995.

4. Florida Power's petition in this docket requests the Commission's approval of a settlement agreement between Lake Cogen and FPC (hereinafter the "Settlement Agreement") that will resolve all disputes between Lake Cogen and FPC that are the subject of pending, though currently stayed, litigation in the Circuit Court of the Fifth Judicial Circuit in and for Lake County, styled NCP Lake Power, Incorporated, a Delaware corporation, as General Partner of Lake Cogen, Ltd., a Florida limited partnership v. Florida Power Corporation, a Florida corporation, Case No. 94-2354-CA01. NCP Lake executed the Settlement Agreement as general partner of Lake Cogen.

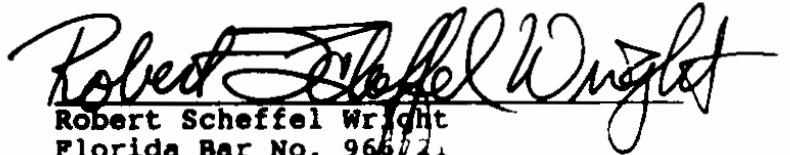
5. The Commission's actions with respect to FPC's petition for approval of the Settlement Agreement, for cost recovery purposes, will affect Lake Cogen's substantial interests in selling power produced from the Lake Facility, as well as its rights to sell that power pursuant to state and federal law.

6. Lake Cogen believes that the ultimate issue to be decided in this case is whether the PPA, as it would be amended by the Settlement Agreement, should be approved by the Commission pursuant to Rule 25-17.0836, F.A.C. In accordance with that Rule, and consistent with Commission Order No. PSC-95-0540-FOF-EG, the Commission should properly consider factual issues relating to whether the Settlement Agreement will have a material

effect on the cost-effectiveness of the PPA or on the viability of the Lake Facility.

WHEREFORE, LAKE COGEN, LTD. prays the Commission to GRANT this Petition to Intervene as a full party in this proceeding and to direct that copies of all pleadings, notices, orders, and other communications filed, given, or entered herein be furnished to the persons named in Paragraph 2 hereof.

Respectfully submitted this 11th day of March, 1997.



Robert Scheffel Wright
Florida Bar No. 966721
John T. LaVia, III
Florida Bar No. 853666
LANDERS & PARSONS, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
Telephone (904) 681-0311
Telecopier (904) 224-5595

Counsel for Lake Cogen, Ltd.

CERTIFICATE OF SERVICE
DOCKET NO. 961477-EQ

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 11th day of March, 1997:

Lorna R. Wagner, Esquire*
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370, Gunter Building
Tallahassee, Florida 32399-0850

James A. McGee
Florida Power Corporation
P.O. Box 14042
St. Petersburg, Fla 33733-4042

D. Bruce May
Karen D. Walker
Holland & Knight LLP
P. O. Drawer 810
Tallahassee, Florida 32302

Roger A. Berliner, Esquire
John W. Jimison, Esquire
Peter G. Hirst, Esquire
Brady & Berliner
1225 19th Street N.W.
Washington, D.C. 20036


Attorney