

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments to)
Rule 25-17.0832, F.A.C., Firm) Docket No. 001574-EQ
Capacity and Energy Contracts) Filed: October 8, 2001
_____)

LEE COUNTY'S REQUEST FOR PUBLIC HEARING

Lee County, Florida ("Lee County"), pursuant to Section 120.54(3)(c)1., Florida Statutes, Rule 28-103.004, Florida Administrative Code ("F.A.C."), and Commission Order No. PSC-01-1844-NOR-EQ, hereby requests that the Florida Public Service Commission hold a public hearing on the proposed amendments to Commission Rule 25-17.0832, F.A.C., that were noticed in the above-referenced order.

Lee County owns the Lee County Resource Recovery Facility (the "Facility"), a qualifying small power production facility pursuant to federal and Florida law and a solid waste facility within the meaning of Section 377.709, Florida Statutes. The Facility has a gross generating capacity of approximately 39 megawatts ("MW"), and Lee County presently sells the Facility's net output of approximately 30 MW, at wholesale, to Seminole Electric Cooperative, Inc., pursuant to a firm capacity and energy contract. Lee County is presently in the site certification process for an expansion of the Facility's capacity to approximately 50 MW on a net basis (approximately 60 MW

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FPSC-COMMISSION CLERK

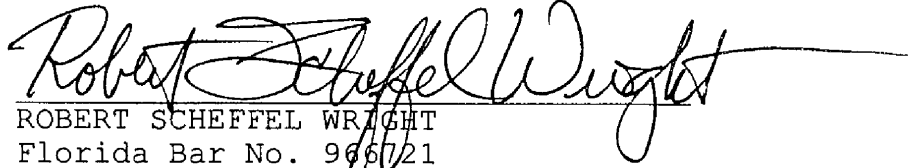
gross). Upon the expiration of its contract with Seminole, Lee County will evaluate all options for selling the Facility's output to Florida utilities, including potential sales pursuant to standard offer contracts of Florida's public utilities. The proposed rule amendments will adversely and materially affect Lee County's interests by abrogating Lee County's (and other qualifying facilities') rights under Section 366.051, Florida Statutes, and also under the federal Public Utility Regulatory Policies Act of 1978 ("PURPA"), to enter into contracts to sell the Facility's power to public utilities at their full avoided cost. The proposed amendments also discriminate against Lee County (and other QFs) in violation of Section 366.81, Florida Statutes, which is part of the Florida Energy Efficiency and Conservation Act.

Moreover, as a retail-level customer of a Florida public utility, Lee County is concerned that the proposed amendments will likely result in increased economic risk and cost burdens being imposed on Lee County's citizens and on other retail customers of Florida public utilities.

For the foregoing reasons, Lee County respectfully opposes the proposed amendments and requests a public hearing for the purposes of presenting to the Commission evidence and argument supporting its position and for questioning the persons involved in preparing the proposed rule amendments, as provided for by

Sections 120.54(3)(c)1. & 120.54(2)(c), Florida Statutes, and by
Rule 28-103.004(5)&(6), F.A.C.

Respectfully submitted this 8th day of October, 2001.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*), or U.S. Mail, on this 8th day of October, 2001, to the following:

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A handwritten signature in black ink that reads "Robert Schaffel Wright". The signature is written in a cursive style and is positioned above a horizontal line. The line extends to the right of the signature.

Attorney