

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

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In re: Petition for determination of need for expansion of electrical cogeneration power plant in Palm Beach County by Florida Power & Light Company and New Hope Power Partnership.

DOCKET NO. 040766-EI

COMMISSION
CLERK

In re: Petition for approval of as-available energy purchase agreement between Florida Power & Light Company and New Hope Power Partnership.

DOCKET NO. 040767-EI

FILED: September 28, 2004

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-04-0754-PCO-EI, filed August 5, 2004, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

At this time, staff has no known witnesses.

b. All Known Exhibits

At this time, staff has not identified any exhibits which it intends to utilize at hearing. Staff reserves the right to identify exhibits at the Prehearing Conference and at hearing for the purpose of cross examination.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: Is there a need for the proposed New Hope Project, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: No position at this time.

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ISSUE 2: Is there a need for the proposed New Hope Project, taking into account the need for adequate electricity as a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: No position at this time.

ISSUE 3: Is the proposed New Hope Project the most cost-effective alternative available, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: No position at this time.

ISSUE 4: Are there any conservation measures reasonably available to Florida Power & Light which might mitigate the need for the proposed new Hope Project?

POSITION: No position at this time.

ISSUE 5: Should the Agreement For The Purchase Of As-Available Energy From New Hope Partnership By Florida Power And Light Company, filed on July 21, 2004, be approved?

POSITION: No position at this time.

ISSUE 6: Should this docket be closed?

POSITION: No position at this time.

e. Staff's Questions of Law

Staff's has no questions of law which it believes are at issue in this matter.

f. Staff's Questions of Policy

Staff's has no questions of policy which it believes are at issue in this matter.

g. Staff's Statement of Issues Stipulated by the Parties

No stipulation of issues has been reached at this time.

h. Staff's Statement of Pending Motions

Staff is aware of no pending motions or other matters that the parties are seeking action upon at this time.

i. Staff's Statement of Pending Requests or Claims for Confidentiality

Staff knows of no requests or claims for confidentiality pending at this time.

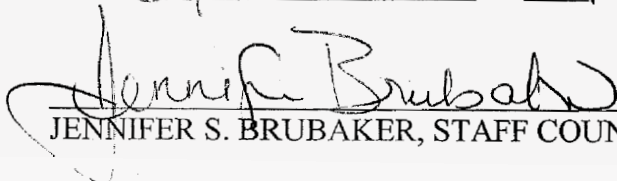
j. Staff's Statement as to Compliance with Order No. PSC-04-0754-PCO-EI

Staff's is aware of no requirement set forth in Order No. PSC-04-0754-PCO-EI with which it cannot comply.

k. Staff's Statement as to Witness' Qualifications

Staff's has no objection to the qualifications of any witness who has prefiled testimony in this matter.

Respectfully submitted this 28th day of September, 2004


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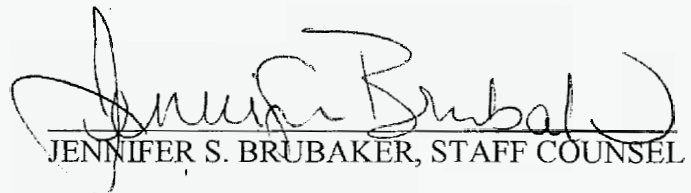
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ORDER NO.

ISSUED:

2004.

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New Hope Power Partnership Gus Cepero 21250 U.S. Highway 27 South South Bay, FL 33493	Steel Law Firm Charles A. Guyton 215 South Monroe Street, Suite 601 Tallahassee, FL 32301-1804



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