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October 24, 2006

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COMMISSION
CLERK

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Via Hand-Delivery

Re: Proposed amendments to Rule 25-17.0832, F.A.C., Firm Capacity and Energy Contracts
Docket No. 060555-EI

Dear Ms. Bayo:

Enclosed for filing in this docket is the undersigned's letter of October 24, 2006 to Larry D. Harris. The purpose of this letter is to put PSC Staff and interested persons on notice that the filing of prefiled comments and/or testimony by certain interested persons will be accomplished by the November 3, 2006 filing deadline, but not necessarily by the encouraged October 25, 2006 date.

Please let me know if you have any questions.

Sincerely,

Kathryn G.W. Cowdery

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cc: Larry D. Harris, Esq.
Susan F. Clark, Esq.
Vicki Gordon Kaufman, Esq.
Robert Scheffel Wright, Esq.
Richard Zambo, Esq.

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RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.



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October 24, 2006

Larry D. Harris
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0862

Via Hand delivery

Re: Dkt. No. 060555-EI, In re: Proposed amendments to Rule 25-17-0832, F.A.C., Firm Capacity and Energy Contracts

Dear Mr. Harris:

This firm represents Covanta Energy Corporation ("Covanta") in the above-named docket. The undersigned has been authorized by Renewable Energy Producers (consisting of the Solid Waste Authority of Palm Beach County, Florida Industrial Cogeneration Association, and City of Tampa), Montenay Power Corp., and Wheelabrator Technologies, Inc., interested persons in this docket, to represent that the statements made in this letter reflect their positions. The purpose of this letter is to advise all interested persons and PSC Staff that the October 25th suggested prefiling date does not allow sufficient time for comments, testimony, and exhibits to be prepared and prefiled by the renewable energy producers identified herein.

At the October 3, 2006 Commission agenda conference, the Commission approved the September 21, 2006 Staff Recommendation regarding proposed amendments to Rule 25-17.0832, F.A.C., and voted to conduct a rulemaking hearing on November 9, 2006. The Commission expressed a strong interest in having the renewable energy producers provide a proposed rule, in strike through/ underline legislative format, which would include language reflecting the renewable energy producers' post-rulemaking workshop comments and comments made at the October 3, 2006 agenda conference. The Commission also expressed a strong interest in hearing specific testimony/ evidence supporting the positions raised by the renewable energy producers. The renewable energy producers intend to file such evidence for consideration at the November 9, 2006 hearing.

However, at the October 3, 2006 agenda conference, the undersigned and counsel for other renewable energy producers expressed to the Commission grave concerns that requiring comments to be prefiled by an October 18th date suggested by Staff would not allow sufficient time for renewable energy producers to prepare comments and testimony and to work together to

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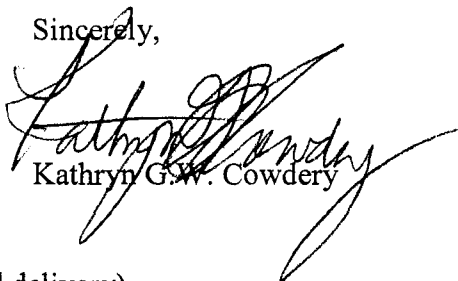
RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.

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prepare a proposed rule. One option suggested by the renewable energy producers was for a rulemaking hearing to be set at a date later than November 9, 2006.

The October 10, 2006 Order Establishing Procedure issued in this docket strongly encouraged all interested persons to prefile testimony, including a proposed rule, by October 25, 2006. The procedural order recognizes that the actual deadline for pre-filing comments and testimony is November 3, 2006, which represents the statutorily imposed minimum time period for interested persons to submit comments following publication of the proposed rule in the Florida Administrative Weekly. Covanta and the other renewable energy producers understand the Commission's concern that all interested persons and Staff have sufficient time prior to the November 9, 2006 rulemaking hearing to review prefiled comments, testimony, and exhibits. However, in order to prepare fully for the rulemaking hearing, it appears at this juncture that these renewable energy producers will need until November 3, 2006 in which to adequately prepare and prefile testimony and exhibits, including a proposed rule. These renewable energy producers will continue to endeavor to file prior to the November 3rd deadline but can offer no assurances to that effect.

Sincerely,



Kathryn G.W. Cowdery

cc: Susan F. Clark, Esq. (via hand delivery)
Vicki Gordon Kaufman, Esq.
Robert Scheffel Wright, Esq.
Richard Zambo, Esq.
Robert Hunter

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