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pm

COUNTY ATTORNEY
METROPOLITAN DADE COUNTY, FLORIDA



SUITE 2810
STEPHEN P. CLARK CENTER
111 N.W. 1st STREET
MIAMI, FL 33128-1993
(305) 375-5151
FAX (305) 375-5634

August 17, 1994

ORIGINAL
FILE COPY

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
State of Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0870

Re: Petition of Florida Power Corp. for
Approval, to the Extent Required of
Certain Actions Relating to
Approved Cogeneration Contracts
Docket 940797-~~EQ~~

Dear Ms. Bayó:

Enclosed please find for filing the original and 15 copies
of Metropolitan Dade County's and Montenay-Dade, Ltd.'s Petition
to Intervene for the Limited Purpose of Moving to Dismiss Florida
Power Corporation's Petition for Approval, to the Extent
Required, of Certain Actions Relating to Approved Cogeneration
Contracts.

Please acknowledge filing of the same by stamping the
duplicate copy of this letter and returning it to me.

Thank you very much for your time and cooperation in this
matter.

Very truly yours,

Gail P. Fels

Gail P. Fels
Assistant County Attorney

RECEIVED & FILED
Mrs
EPSC-BUREAU OF RECORDS

none included

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- CAO* *30* GPF/bw
- LEG *Enc* Enclosures
- LIN *6* _____
- OPC *1* _____
- RCH _____
- SEC *1* _____
- WAS _____
- OTH *orig. fm*

DOCUMENT NUMBER-DATE
08440 AUG 18 94
EPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power)
Corp. for Approval, to the Extent)
Required, of Certain Actions)
Relating to Approved Cogeneration)
Contracts)

Docket No. 940797-EQ

Submitted for Filing:
August 18, 1994

METROPOLITAN DADE COUNTY AND
MONTENAY-DADE, LTD.'S PETITION
TO INTERVENE FOR THE LIMITED PURPOSE
OF MOVING TO DISMISS FLORIDA POWER
CORPORATION'S PETITION FOR APPROVAL, TO
THE EXTENT REQUIRED, OF CERTAIN ACTIONS
RELATING TO APPROVED COGENERATION CONTRACTS

Pursuant to Rule 25-22.039, Florida Administrative Code, Metropolitan Dade County, ("Dade County") and Montenay-Dade, Ltd., ("MDL"), by and through their undersigned counsel, file this their Petition to Intervene for the Limited Purpose of Moving to Dismiss Florida Power Corporation's Petition for Approval, to the Extent Required, of Certain Actions Relating to Approved Cogeneration Contracts in the above-styled docket, and as grounds in support thereof state as follows:

1. The exact name of Dade County and the address of its principal business office is:

Metropolitan Dade County, a political subdivision
of the State of Florida
111 N. W. 1 Street
Miami, FL 33128-1992

The exact name of Montenay-Dade, Ltd. and the address of its principal business office is:

Montenay-Dade, Ltd.
3225 Aviation Avenue
Fourth Floor
Miami, FL 33133

DOCUMENT NUMBER-DATE

08440 AUG 18 94

2. The person to whom all CASR's, notices, orders, pleadings, staff recommendations, and other documents in connection with this matter are to be sent is:

Gail P. Fels
Assistant County Attorney
Dade County Attorney's Office
111 N. W. 1 Street, Suite 2810
Miami, FL 33128-1993
(305)375-5151

Robert Scheffel Wright
Landers & Parsons
310 West College Avenue
P. O. Box 271
Tallahassee, FL 32302
(904)681-0311

3. Dade County owns and Montenay-Dade, Ltd. operates a solid waste resource recovery facility which produces electricity. Dade County has contracted with Florida Power Corp. ("FPC") to sell firm capacity and energy to FPC pursuant to a negotiated contract executed on May 13, 1991 and approved by the Florida Public Service Commission via Order No. 24734, issued on July 1, 1991. On November 16, 1993, Dade County, Florida Power Corporation and Montenay-Dade, Ltd. entered into a Settlement Agreement, which is one of the "Curtailment Agreements" described in the Petition for which FPC seeks approval.

4. As parties to one of the post-contract actions or subsequent curtailment agreements for which FPC is seeking Commission approval, the substantial interests of both Dade County and Montenay-Dade, Ltd. will be affected by any decision that the Commission may make in this docket. Accordingly, both Dade County and Montenay-Dade, Ltd. are entitled to intervene.

5. This petition to intervene is filed for the limited purpose of moving to dismiss FPC's petition. The Commission has previously granted intervention for the limited purpose of moving to dismiss a petition. In Re: Petition of Nassau Power Corporation to Determine Need for Electrical Power Plant, Docket

No. 920769-EQ, Order No. PSC-92-1074-PCO-EQ (September 29, 1992);
In Re: Petition of Florida Power & Light Company for a
Declaratory Statement Regarding Request for Wheeling, Docket No.
881326-EI, Order No. 20808 (February 24, 1989). As demonstrated
above, both Dade County's and Montenay-Dade, Ltd.'s substantial
interests would be affected by any decision that the Commission
might make in this docket, and accordingly, the Commission should
grant this petition to intervene to assure fundamental due
process to Dade County and Montenay-Dade.

6. As described above, this petition to intervene is filed
for the limited purpose of moving to dismiss FPC's petition.
Neither the petition, nor the filing thereof with the Commission,
should be construed as agreement or acquiescence by either Dade
County or Montenay-Dade, Ltd. that the Commission has
jurisdiction over the issues raised by FPC's petition or to grant
the relief requested by FPC therein. Dade County and
Montenay-Dade, Ltd. reserve their rights to seek the Commission's
leave to participate as full party intervenors in this proceeding
if the Commission, after considering Dade County's and
Montenay-Dade's motion to dismiss, decides to entertain FPC's
petition.

WHEREFORE, Metropolitan Dade County and Montenay-Dade, Ltd.
respectfully request the Commission to grant this Petition to
Intervene in this proceeding.

ROBERT A. GINSBURG
Stephen P. Clark Center
Metro-Dade Center
111 N.W. 1 Street, Suite 2810
Miami, FL 33128-1993
(305) 375-5151

By: *Gail P. Fels*
GAIL P. FELS
Assistant County Attorney

LANDERS & PARSONS
310 West College Avenue
P. O. Box 271
Tallahassee, FL 32302
(904) 681-0311

By: *Robert Scheffel Wright by Gpf*
ROBERT SCHEFFEL WRIGHT

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Docket No. 940797-EQ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Metropolitan Dade County's Petition to Intervene in Docket No. 940797-EQ has been served by U.S. Mail on the 18th day of August, 1994 to the following:

Florida Power Corp.
3201 34th Street South
P. O. Box 14042
St. Petersburg, FL 33733-4042
Attn: James A. McGee

Orange Cogen Limited
c/o Ark/CSW Development Partnership
23293 South Pointe Drive
Laguna Hills, CA 92653

NationsBank of Florida, N.A.
600 Peachtree Street, NE
Atlanta, GA 30308

GECC
1600 Summer Street
Stamford, CT 06927

TIFD-C, INC.
c/o GECC
1600 Summer Street, 6th Floor
Stamford, CT 06927
Attn: Manager, Energy Portfolio Admin.

Lake Cogen, Ltd.
1551 N. Tustin Avenue, Suite 900
Santa Ana, CA 92701

Mr. Macauley Whiting, Jr.
Ridge Generating Station
400 North New York Ave., Suite 101
Winter Park, FL 32789

Wheelabrator Ridge Energy
3131 K-ville Avenue
Auburndale, FL 33823

Mr. Jerome L. Glazer
Auburndale Power Partners
12500 Fair Lakes Circle, Suite 420
Fairfax, VA 22033

Mr. Don Fields
Executive Director
Auburndale Power Partners
1501 Derby Avenue
Auburndale, FL 33823

Mr. Roger Fernandez
Cargill Fertilizer, Inc.
8813 Highway 41 South
Riverview, FL 33569

Bankers Trust Company
Four Albany Street
New York, NY 10015
Attn: Corporate Trust & Agency Group

The Prudential Insurance Company of America
Three Gateway Center
Newark, NJ 07102-4077
Attn: Asset Unit/IAU Management

Dade Power Incorporated
1551 N. Tustin Avenue, Suite 900
Santa Ana, CA 92701

The Prudential Insurance Company of America
Four Gateway Center
Newark, NJ 07102-4069
Attn: Project Management Team

Pasco Cogen, Ltd.
220 East Madison Street, Suite 526
Tampa, FL 33602
Attn: Elliott White

Tiger Bay Limited Partners
2500 City West Boulevard
Houston, TX 77042

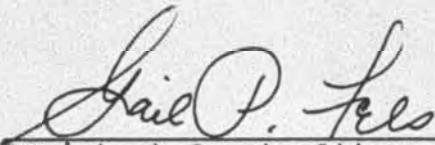
The Fuji Bank and Trust Company
Two World Trade Center
New York, NY 10048

Polk Power Partner, L.P.
c/o Polk Power GP, Inc.
1027 South Rainbow Boulevard, Suite 360
Las Vegas, NV 89128

TIFD VIII-J, Inc.
c/o General Electric Capital Corp.
1600 Summer Street
Stamford, CT 06927

Mr. Wayne A. Hinman, President
Orlando Cogen Limited, L.P.
c/o Air Products and Chemicals
7201 Hamilton Boulevard
Allentown, PA 18595-1501

The Sumitomo Bank Limited
New York Branch
One World Trade Center, Suite 954G
New York, NY 10048


Assistant County Attorney