

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for)
Approval of Standard Offer)
Contracts of FLORIDA POWER)
CORPORATION and AUBURNDALE)
POWER PARTNERS, LIMITED)
PARTNERSHIP)

Docket No. 940819-EQ
Filed: November 17, 1994

AUBURNDALE POWER PARTNERS, LIMITED PARTNERSHIP'S
REQUEST FOR ORAL ARGUMENT

Auburndale Power Partners, Limited Partnership ("APP"), by and through undersigned counsel, pursuant to Rule 25-22.058, Florida Administrative Code, files this Request for Oral Argument on its Amended Emergency Motion to Dismiss Petition for Formal Proceedings and Request for Costs and Attorneys Fees (the "Amended Emergency Motion") filed contemporaneously herewith. In support of its Request for Oral Argument, APP states:

1. On October 24, 1994, the Commission issued a Notice of Proposed Agency Action in this docket the subject of which is a Proposed Order Approving Contract Modifications, Order No. PSC-94-1306-FOF-EQ (the "Order"). The Order approves the Joint Petition for Expedited Approval of Contract Modifications filed by APP and Florida Power Corporation ("FPC") in this docket which involves the assignment of LFC No. 47 Corp.'s ("LFC"'s) Standard Offer Contracts to APP.

2. On November 14, 1994, Ann Smith (the "Petitioner") filed a Petition for Formal Proceedings (the "Petition") in this docket alleging that her substantial interests will be affected by the proposed agency action because: (1) there will be an increase in

utility rates in Madison County and Jefferson County; and (2) the assignment of the LFC Standard Offer Contracts to APP will result in the loss of local jobs and local economic benefits. The Petition also asserts that the Order will violate the Public Utility Regulatory Policies Act of 1978 ("PURPA"), the "small power facilities Public Utility Company Act of 1935," and the Federal Power Act.

3. Contemporaneously with filing this Request for Oral Argument, APP is filing its Amended Emergency Motion requesting that the Commission dismiss the Petition. The fundamental issues raised in APP's Amended Emergency Motion to Dismiss are whether the Petitioner has standing to initiate a formal administrative proceeding and whether APP is entitled to costs and attorneys fees as a result of the Petitioner filing the Petition for an improper purpose.

4. Oral argument would be beneficial in aiding the Commission in comprehending and evaluating the issues raised in APP's Emergency Motion because oral argument will assist the Commission in testing the Petitioner's standing and in determining whether the Petition was filed for an improper purpose.

5. As stated in APP's Amended Emergency Motion, the prompt resolution of this matter is essential to the continued viability of the assignment of the LFC Standard Offer Contracts to APP and the benefits to FPC's ratepayers which will result from the assignment. Thus, APP respectfully requests that the Commission set this matter for oral argument immediately.

WHEREFORE, APP respectfully requests that it be granted oral argument on its Amended Emergency Motion to Dismiss Petition for Formal Proceedings and Request for Costs and Attorneys Fees.

Respectfully submitted,



D. Bruce May
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Attorneys for Auburndale Power
Partners, Limited Partnership

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Certified Mail, Return Receipt Requested to Ann Smith, P.O. Box 1126, Monticello, FL 32344; and by U.S. Mail to: Martha Brown, Staff Counsel, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, FL 32301; J. Bradford Hines, Florida Power Corporation, Office of General Counsel, 3201-34th Street, South, P.O. Box 14042, St. Petersburg, FL 33733; John R. Marks, III, Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A., 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301; and by hand delivery to Richard E. Benton, 3837-A Killearn Court, Tallahassee, FL 32308 this 17th day of November, 1994.


D. Bruce May

TAL-53179