

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power Corporation for Determination That Its Plan for Curtailing Purchases from Qualifying Facilities in Minimum Load Conditions is Consistent With Rule 25-17.086, F.A.C.

DOCKET NO. 941101-EQ
FILED: April 17, 1995

ORIGINAL FILE COPY

MONTENAY-DADE, LTD.'S AND METROPOLITAN DADE COUNTY'S PREHEARING STATEMENT

Montenay-Dade, Ltd. and Metropolitan Dade County, hereinafter referred to collectively as Montenay/Dade County, in accord with Commission Order No. PSC-95-1523-PCO-EQ, the procedural order for this docket, hereby submit this their Prehearing Statement in the above-styled docket and say as follows.

A. All Known Witnesses

L. Roy Smith Issue 6

B. All Known Exhibits

None at this time. Montenay/Dade County specifically reserve the right to introduce exhibits on cross-examination of other witnesses.

C. Statement of Basic Position

Florida Power Corporation has not adequately demonstrated that the minimum load conditions outlined in its Generation Curtailment Plan for Minimum Load Conditions (hereinafter

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FPSC-BUREAU OF RECORDS

FPSC-REGULOS/REPORTING

"Curtailement Plan" or "Plan") satisfy the criteria to permit utility curtailement of Qualifying Facility ("QF") purchases set forth in Commission Rule 25-17.086, Florida Administrative Code.

Assuming that curtailements are permitted by Rule 25-17.086, the Plan treats the identified groups of QFs fairly and is not unduly discriminatory as between the identified groups of QFs.

D-F. Issues and Positions

ISSUE 1: Has Florida Power Corporation adequately demonstrated that the minimum load conditions for curtailement outlined in the Plan comply with Commission Rule 25-17.086, Florida Administrative Code?

MONTENAY/DADE COUNTY: No.

ISSUE 1-A: Can Florida Power Corporation, having entered into less expensive, non-dispatchable QF contracts instead of more expensive, dispatchable contracts, now, by invoking the existence of minimum load conditions, effectively require dispatchability of the facilities from which its QF power sales contracts are performed during such conditions?

MONTENAY/DADE COUNTY: No.

ISSUE 2: Has Florida Power Corporation adequately demonstrated that it has attempted to mitigate any foreseeable imbalance between generation and load during minimum load conditions by committing the most appropriate combination of generation resources for the circumstances?

MONTENAY/DADE COUNTY: No.

ISSUE 3: Does the proposed Curtailment Plan properly require Florida Power Corporation to take all appropriate measures to decrease other sources of generation to mitigate any imbalance between generation and load?

MONTENAY/DADE COUNTY: No.

ISSUE 4: Does the proposed Curtailment Plan properly require Florida Power Corporation to take all appropriate measures to increase sales to mitigate any imbalance between generation and load?

MONTENAY/DADE COUNTY: No.

ISSUE 5: Has Florida Power Corporation adequately demonstrated that the procedures for curtailment outlined in its plan are reasonable and appropriate?

MONTENAY/DADE COUNTY: No.

ISSUE 6: Has Florida Power Corporation adequately demonstrated

that its proposed plan allocates justifiable curtailments among QFs in a fair and not unduly discriminatory manner?

MONTENAY/DADE COUNTY: Yes.

ISSUE 7: Has Florida Power Corporation properly implemented the procedures set forth in the Plan during the curtailments that occurred from October 1994 through January 31, 1995?

(Note: This issue addresses all curtailments that occurred between FPC's implementation of its Plan and January 31, 1995, and is thus not limited to curtailment events that occurred before January 1, 1995, as contemplated by the Staff's Preliminary Issue 7 on the list distributed on April 13, 1995.)

MONTENAY/DADE COUNTY: No position at this time.

ISSUE 8: Has Florida Power Corporation adequately demonstrated that the curtailments that occurred from October 1994 to January 31, 1995 were necessary to avoid negative avoided costs?

(Note: This issue addresses all curtailments that occurred between FPC's implementation of its Plan and January 31, 1995, and is thus not limited to curtailment events that occurred before January 1, 1995, as contemplated by the Staff's Preliminary Issue

8 on the list distributed on April 13, 1995.)

MONTENAY/DADE COUNTY: No.

ISSUE 9 (LEGAL ISSUE): What is the permissible scope of Rule 25-17.086, Florida Administrative Code, as an implementation of Section 210 of PURPA?

MONTENAY/DADE COUNTY: The Commission's rules governing utility curtailments of QF purchases cannot provide broader grounds for such curtailments than are permitted under the corresponding provisions of PURPA and the FERC's rules implementing PURPA.

ISSUE 10: Should the Commission approve Florida Power Corporation's Curtailment Plan as being in compliance with Rule 25-17.086?

MONTENAY/DADE COUNTY: No.

G. Stipulated Issues

Montenay/Dade County are not aware of any stipulated issues at this time.

H. Statement of Pending Motions

Montenay/Dade County are not aware of any pending motions at this time.

I. Procedural Requirements

Montenay/Dade County are not aware of any requirements of Commission Order No. PSC-95-1523-PCO-EQ with which they are unable to comply.

Respectfully submitted this 17th day of April, 1995.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 17th day of April, 1995:

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