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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

LAKE COGEN, LTD.'S PREHEARING STATEMENT

Lake Cogen, Ltd. ("Lake Cogen," "Lake"), in accord with Commission Order No. PSC-95-1523-PCO-EQ, the procedural order for this docket, hereby submits this its Prehearing Statement in the above-styled docket and says as follows.

A. All Known Witnesses

L. Roy Smith Issue 6

B. All Known Exhibits

None at this time. Lake Cogen specifically reserves the right to introduce exhibits on cross-examination of other witnesses.

- ACK _____
AFA _____
APP _____
CFE _____
CMU _____
CIR _____
E's (circled) _____
L 1 _____
L 5 _____
S 1 _____
W S _____
OTH _____

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 "Curtailment Plan" or "Plan") satisfy the criteria to permit utility curtailment of Qualifying Facility ("QF") purchases set forth in Commission Rule 25-17.086, Florida

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Administrative Code.

When curtailments 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 curtailment outlined in the Plan comply with Commission Rule 25-17.086, Florida Administrative Code?

LAKE COGEN: 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?

LAKE COGEN: 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?

LAKE COGEN: 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?

LAKE COGEN: No.

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

LAKE COGEN: 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?

LAKE COGEN: 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 in October 1994 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.)

LAKE COGEN: 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 in October 1994 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.)

LAKE COGEN: 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?

LAKE COGEN: 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?

LAKE COGEN: No.

G. Stipulated Issues

Lake Cogen is not aware of any stipulated issues at this time.

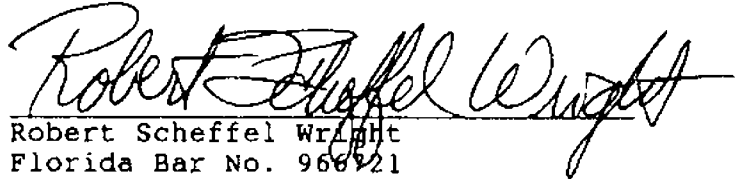
H. Statement of Pending Motions

Lake Cogen is not aware of any pending motions at this time.

I. Procedural Requirements

Lake Cogen is not aware of any requirements of Commission Order No. PSC-95-1523-PCO-EQ with which it is 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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