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June 15, 1995

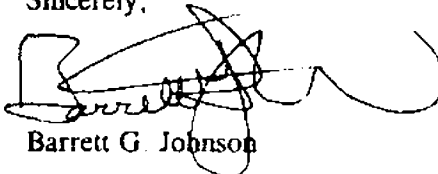
Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0870

Dear Ms. Bayo:

941101-EG

Enclosed for filing are the original and fifteen copies of Panda's Post-Hearing Statement. Also enclosed is a 3.5 diskette containing the above-referenced document in Word Perfect format.

Sincerely,



Barrett G. Johnson

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FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05646 JUN 15 95

FPSC-RECORDS/REPORTING

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: June 15, 1995

Unofficial
FILE COPY

PANDA-KATHLEEN, L.P.'S AND PANDA ENERGY COMPANY'S
POST-HEARING STATEMENT

Panda-Kathleen, L.P. and Panda Energy Company ("Panda"), by and through its undersigned attorneys files this post-hearing statement pursuant to Rule 25-22.056 (3), Florida Administrative Code.

ISSUES

ISSUE 1: Has Florida Power Corporation adequately demonstrated that the minimum load conditions for curtailment outlined in its plan comply with Commission Rule 25-17.086, Florida Administrative Code.

Panda's Position: 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?

Panda's Position: No.

DOCUMENT NUMBER-DATE

05646 JUN 15 95

FPSC-RECORDS/REPORTING

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?

Panda's Position: 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?

Panda's Position: No.

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

Panda's Position: No.

ISSUE 6: Has Florida Power Corporation adequately demonstrated that its proposed plan allocates justifiable curtailment among QF's in a fair and not unduly discriminatory manner?

Panda's Position: No.

ISSUE 7: Has Florida Power Corporation properly implemented the procedures set forth in the plan during the curtailment that have occurred from October 1994, to January 1, 1995?

Panda's Position: No position.

ISSUE 8: Has Florida Power Corporation adequately demonstrated that the curtailments that have occurred from October 1, 1994, through January 1, 1995, were necessary to avoid negative avoided costs?

Panda's Position: No.

LEGAL ISSUE

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

Panda's Position: Section 210 of PURPA is intended to deal with unforeseen emergencies and the like. Since Rule 25-17.086 implements Section 210 it should be likewise construed. Under no circumstances should the Commission allow this docket to become the mechanism for reforming contracts or otherwise changing obligations.

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

Panda's Position: No.

Respectfully submitted this 15th day of June, 1995.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by United States Mail on the following individuals this 15th day of June, 1995.

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