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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In Re: Petition for Declaratory Statement
Regarding Eligibility for Standard
Offer Contract and Payment Thereunder
by Florida Power Corporation

Docket No. 950110-EI

NOTICE OF FILING SUPPLEMENTAL AUTHORITY
CITED DURING ORAL ARGUMENT OF MOTION TO STAY

Notice is given that Panda-Kathleen L.P. hereby files a letter sent via telecopy dated September 23, 1995, to Thomas T. Steele from Steven C. Dupré consisting of one page, and a letter dated September 23, 1995, and sent by telecopy on September 25, 1995, to Steven C. Dupré from Thomas T. Steele consisting of two pages, this 5th day of October, 1995.

David W. Moyé

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101 N. Monroe Street, Suite 1090
Tallahassee, Florida 32302
904/681-0411

Attorneys for Panda-Kathleen, L.P.

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG
- LEG _____
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- SEC
- WAS _____
- OTR _____

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DOCUMENT NUMBER-DATE
09858 OCT-5 88
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by U. S. Mail this 5th day of October, 1995.

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FILE NO. 00309-78147

PLEASE REPLY TO: St. Petersburg

September 23, 1995
By FAX to 229-8313 and Mail (9/25)

Thomas T. Steele
 Fowler, White, Gillen, Boggs, Villareal and Banker, P.A.
 501 E. Kennedy Blvd.
 Tampa, FL 33601

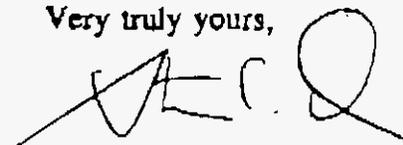
Re: Panda-Kathleen, L.P., etc. v. Florida Power Corporation, U.S.D.C. Middle District Case No. 95-992-Civ-T-24(C)

Dear Tom:

This confirms that when we spoke today, you told me, among other things, that I should not plan to travel to Texas tomorrow for depositions scheduled during the week of September 25, 1995, because you would be filing objections to Magistrate Jenkins' September 15, 1995, Order. You told me you felt Panda's deadline for objecting was Friday, September 29, 1995, although you said you would try to file sooner than that. Please fax a copy of those objections to my office as soon as they are completed so that Florida Power can respond quickly.

Please understand that Florida Power continues to consider Panda's refusal to allow its witnesses to be deposed to be contumacious. You and Mr. Besing have made it clear, however, that Florida Power would be engaging in a futile act if it were to incur the expense of sending one of its lawyers to Texas for the depositions next week.

Very truly yours,



Steven C. Dupré

cc: Ray Besing, Esq.
 James Fama, Esq.
 Sylvia H. Walbolt, Esq.
 Donald R. Schmidt, Esq.

FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A.

ATTORNEYS AT LAW

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September 23, 1995

VIA TELECOPY (813) 822-3768
AND UNITED STATES MAIL

Steven C. Dupré, Atty.
Carlton, Fields, Ward, Emmanuel,
Smith & Cutler, P.A.
Barnett Tower, Suite 2300
200 Central Ave.
St. Petersburg, FL 33701

Re: Panda-Kathleen, L.P. v. Florida Power Corp.
United States District Court, Middle District
of Florida, Tampa Division
Case No. 95-992-Civ-T-24C
Our File No. 195-1584

Dear Steve:

Thank you for returning my telephone call from yesterday early this morning. This letter confirms that:

1. You will give me your comments on the draft "Case Management Report" on Monday, September 25, 1995, I will review those comments with Mr. Besing on Tuesday, September 26, 1995, and we will file that report, in final form, no later than Friday, September 29, 1995;
2. Panda will serve and file its objections to Magistrate Judge Jenkins' Order of September 15, 1995, along with a supporting memorandum, no later than Friday, September 29, 1995; and
3. You represented to me that (i) FPC shipped three (3) additional boxes of documents to Panda on September 11, 1995, and two (2) additional boxes of documents to Panda on September 18, 1995, and (ii) FPC will ship an

Steven C. Dupré, Atty.
September 23, 1995
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additional five (5) boxes of documents to Panda early in
the upcoming week of September 25, 1995.

Very truly yours,

FOWLER, WHITE, GILLEN, BOGGS,
VILLAREAL AND BANKER, P.A.

By: TAM
Thomas T. Steele

TTS:reb

cc: W. Nordlund, Atty. (via telecopy only - 214-980-6815)
R. Killian (via telecopy only - 214-980-6815)
R. Besing, Atty. (via telecopy only - 214-220-1202 and 305-
577-0384)