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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
CASE NO. 950110-EI

ORIGINAL
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In re: Petition for Declaratory)
Statement Regarding Eligibility)
for Standard Offer Contract and)
Payment Thereunder by Florida)
Power Corporation,)

STATEMENT OF POSITIONS

- ISSUE 1: ****Panda's proposed plant is in compliance with the contract between the parties, as supported by the language of the contract and the parties' actions. Panda states that compliance with the stated Rule is not relevant to this case, but the facility in question complies with that Rule.****
- ISSUE 2: ****Panda is entitled to firm capacity payments for the full term of the contract, as supported by the language of the contract and the parties' actions. Panda states that compliance with the Rule is not relevant to this case, but payments for the full contract term complies with that Rule.****
- ISSUE 3: ****Appendix "C" of the Contract provides the amount of firm capacity payments for years 1 through 20 of the Contract. Firm capacity payments to Panda for years 21 through 30 of the Contract should be computed by escalating the payments due Panda of 5.1% per year, as reflected in Exhibit 37.****
- ISSUE 4: ****Panda's position is that the milestone dates should be extended based on Florida Power's actions****.
- ISSUE 5: ****The commencement of construction milestone date should be extended until 18 months after the Commission's final order in this proceeding, and the in-service date should be extended until 18 months after the new commencement of construction date.****
- ISSUE 6: *****The payments to Panda under the Contract upon should be made pursuant to the existing terms of the Contract, as set forth in Exhibit 37.****

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG 1/11
- LEG 1
- LIN 5
- OPC _____
- ROB _____
- SEC 1
- WAS _____
- ORR _____

Respectfully submitted,

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for

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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