

**RICHARD A. ZAMBO, P.A.**

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Original  
FILE COPY

REGISTERED PROFESSIONAL ENGINEER  
REGISTERED PATENT ATTORNEY

COGENERATION & ALTERNATIVE ENERGY  
ENERGY REGULATORY LAW

**VIA FEDERAL EXPRESS**

December 26, 1996

Ms. Blanca S. Bayó, Director  
Division of Records & Reporting  
Florida Public Service Commission  
Capitol Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket No. 960912-EI  
Notice Of Proposed Rule Development

Dear Ms. Bayó,

Enclosed for filing in the referenced Docket on behalf of Broward County, Florida, please find five (5) copies of this firm's correspondence to your Richard Bellak, Esquire pertaining to issues raised by the referenced Notice Of Proposed Rule Development. If you have any questions regarding this filing, please do not hesitate to call.

Sincerely,



Richard A. Zambo

ACK \_\_\_\_\_

AFA \_\_\_\_\_

APP 2 \_\_\_\_\_

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CMU \_\_\_\_\_

CTR \_\_\_\_\_ RAZ/sn

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xc: Richard Bellak, Esquire

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**VIA FEDERAL EXPRESS**

December 26, 1996

Richard Bellak, Esquire  
Associate Director - General Counsel  
Florida Public Service Commission  
Gunter Building  
2540 Shumard Oak Boulevard  
Tallahassee, Fl 32399-0870

Re: Docket No. 960912-EI  
Notice Of Proposed Rule Development

Dear Richard,

Following up on our recent conversations, this will formally advise you of possible areas of concern to Broward County, Florida (the "County") resulting from the referenced Notice of Proposed Rule Development. The County's interest in this matter arises from the fact that it relies on "solid waste facilities" for the disposal of what is commonly referred to as municipal solid waste. Those facilities are qualifying small power production facilities - or QF's - under federal law and, as such, could be negatively affected by the proposed rule repeals. Given that the Commission is only in a rule development posture, our comments on behalf of the County will be both preliminary and brief, simply intended to identify three initial areas of potential concern.

**First**, the proposed repeal of rule 25-17.001 (4) (d) appears to signal a Commission policy shift away from the traditional encouragement of QF's such as solid waste facilities, which is embodied in both state and federal law. The County would urge the Commission to abandon its proposal to repeal this rule.

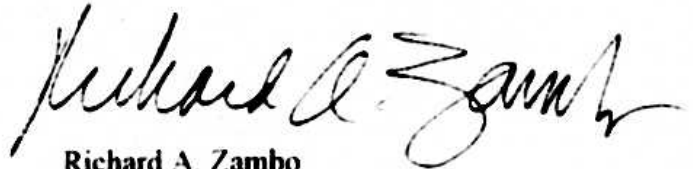
**Second**, regarding the repeal of rule 25-17.084 (The Utility's Obligation to Sell) it appears that such rule is required under federal law and that repeal would be inadvisable if not unlawful. Although the methodology for determining rates for electric sales to QF's are established in detail by Commission order, the rule provision is necessary to assure the availability of electric service to QF's at just, reasonable and non-discriminatory rates. Accordingly, the County would urge the Commission to abandon its proposal to repeal this rule.

**Third**, regarding the repeal of rule 25-17.091 (Governmental Solid Waste Energy and Capacity), it appears that this rule has been incorporated by reference into the Commission's recently amended rule 25-17.0832 (4), and as such would be crucial to the proper interpretation and implementation of that rule. The County would therefore also urge the Commission to abandon its proposal to repeal this rule.

We trust these comments will be of use to the Commission as it proceeds in the rule development process. By addressing the County's concerns at this initial stage, a future rulemaking hearing may be avoided. (Note that the County does not seek or request a workshop in this matter but reserves the right to request a hearing if and when the Commission moves forward to rulemaking in this regard.)

If you have any questions, require any further information, or would like to discuss this matter, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Zambo". The signature is written in a cursive style with a large, sweeping flourish at the end.

Richard A. Zambo

RAZ/sn

xc: Tom Henderson