



3. On February 6, 1997, VGM filed a Petition for Leave to Intervene in this proceeding. VGM's Petition for Leave to Intervene was unopposed. While VGM's Petition for Leave to Intervene was pending, VGM participated and was treated as a party to this proceeding attending meetings noticed by staff, filing pleadings and testimony, and serving discovery on FPC.

4. On March 31, 1997 the Prehearing Officer issued Order No. PSC-97-0354-PCO-EQ denying VGM's Petition for Leave to Intervene. The order summarily states that VGM has alleged no constitutional right to intervention, has failed to show that its substantial interests are being determined in this proceeding, and that its interests are not the interests this proceeding is designed to protect.

5. The face of Order No. PSC-97-0354-PCO-EQ indicates that the Prehearing Officer overlooked and failed to consider that: (i) VGM is a named person to this proceeding; and (ii) VGM's substantial interests will be determined by the Commission when it decides whether to approve cost recovery of VGM's Gas Sales Contract through the fuel and purchased power cost recovery clause. These points of fact and law are material and relevant to VGM's right to intervene as a "party" to this proceeding pursuant to Section 120.52(12)(a), Florida Statutes.

6. Oral argument would be beneficial in aiding the Florida Public Service Commission (the "Commission") in understanding the points of facts and law overlooked by the Prehearing Officer in Order No. PSC-97-0354-PCO-EQ. Oral argument will allow VGM to explain to the Commission why it is a specifically named person in this proceeding and how its substantial interests will be determined by the

Commission. Oral argument will also allow the Commission to ask questions that may be helpful in resolving the issues raised in VGM's Emergency Motion for Reconsideration.

WHEREFORE, VGM respectfully requests that it be granted oral argument on its Emergency Motion for Reconsideration.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Request for Oral Argument was furnished by hand delivery to the following this 3rd day of April, 1997:

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