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UNRECORDED  
FILED

Matthew M. Childs, P.A.

September 10, 1997

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399

RE: DOCKET NO. 98884-EQ

Dear Ms. Bayó:

Enclosed please find an original and fifteen (15) copies of Orlando CoGen Limited, L.P.'s Response to Order No. PSC-97-1009-PCO-EQ/Direct Testimony and Exhibits and Motion to Present Live Testimony in the above referenced docket.

Very truly yours,

*Matthew M. Childs*  
Matthew M. Childs, P.A.

ACK  MMC:ml  
AFA  Enclosure  
AIP \_\_\_\_\_  
CAF \_\_\_\_\_ cc: All Parties of Record  
CIN \_\_\_\_\_  
COR \_\_\_\_\_  
E  \_\_\_\_\_  
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RECORDED & FILED  
*[Signature]*  
FLORIDA PUBLIC SERVICE COMMISSION

Miami  
305 577 7000  
305 577 7001 Fax

West Palm Beach  
561 650 7200  
561 655 1500 Fax

Key West  
305 292 7272  
305 292 7271 Fax

DOCUMENT NUMBER-DATE  
09128 SEP 10 1997  
582 951 4105  
582 951 4100  
FPSC-RECORDS/REPORTING

ORIGINAL FILE

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Petition for approval of )  
early termination amendment to )  
negotiated qualifying facility )  
contract with Orlando CoGen )  
Limited, Ltd. by Florida Power )  
Corporation. )

DOCKET NO. 961184-EQ  
FILED: SEPTEMBER 10, 1997

**ORLANDO COGEN LIMITED, LTD.'S RESPONSE TO  
ORDER NO. PSC-97-1009-PCO-EQ/DIRECT TESTIMONY AND EXHIBITS  
AND MOTION TO PRESENT LIVE TESTIMONY**

Orlando CoGen Limited Ltd., (hereafter "OCL") hereby makes this filing with respect to the schedule calling for the filing of intervenor's direct testimony and exhibits on September 10, 1997 as set forth in Commission Order No. PSC-97-1009-PCO-EQ dated August 25, 1997.

OCL intends to call as witnesses Messrs. Stallcup and Dudley of the Commission Staff who appear to have sponsored the "alternative recommendation" and "alternative staff analysis" in the Commission Staff's December 26, 1996 Memorandum which was considered by the Commission at the January 7, 1997 Agenda Conference.

OCL may either call Messrs. Stallcup and Dudley as witness, or offer all or portions of the transcript of their pending deposition by OCL together with exhibits as to which they will be examined or which relate to their intended areas of testimony. Although discussed in greater detail in the PAA Order in this Docket and in the December 26, 1996 Staff Memorandum Order No. PSC-97-086-POF-EQ set forth the following:

DOCUMENT NUMBER-DATE  
**09128 SEP 10 97**  
FPSC-RECORDS/REPORTING

### Conclusion

We deny FPC's petition because the buyout is inconsistent with the objectives of the reverse auction bid solicitation and will not produce net savings before the year 2019. It is not appropriate to subject FPC current customers to this additional \$49.4 million expense in hopes that they might receive a benefit as much as 26 years in the future. Furthermore, the buyout's cost-effectiveness appears to be unduly sensitive to fluctuations in fuel price projections and inflationary assumptions.

Messrs. Stallcup and Dudley are identified as the individuals who prepare the analyses supporting and the discussions contained in December 26, 1996 Memorandum which was then included in the Proposed Agency Action Order No. PSC-97-0086-FOF-EQ.

OCL intends to call Messrs. Stallcup and Dudley as adverse witnesses and to conduct its inquiry of them in that capacity to establish the limitations on the alternative staff recommendation.

As to exhibits, OCL intends to use the following documents and document areas as potential exhibits in its direct case:

1. Fla. PSC Review of Electric Utility 1996 Ten Year Site Plans dated December 26, 1996.
2. The April 26, 1996 letter of transmittal filing the Ten Year Site Plan supplemental information by Florida Power Corp. and the supplemental information.
3. Information and data contained in November 26, 1996 letter to Judy Harlow of the Commission Staff.
4. The petition and incorporated documents for approval dated October 1, 1996 (and September 30, 1996 letter of transmittal) of the early termination amendment to a negotiated contract with Orlando CoGen Limited, Ltd. by Florida Power Corporation.

5. Petition for Approval of Contracts for the Purchase of Firm Energy and Capacity in Docket No. 910401-EQ dated March 19, 1991 together with supporting documents.
6. Order No. 24734 issued in Docket No. 910401-EQ on 24734.
7. December 26, 1996 Memorandum of the Commission Staff ("Staff Recommendation") in Docket No. 961184-EQ.
8. Florida Power Corporation responses to discovery requests by the Commission Staff in Docket No. 961184-EQ.

The listing of potential exhibits is as complete as possible at this time since OCL has not yet been able to depose Messrs. Stallcup and Dudley. The issue of these depositions is addressed as a separate matter. If the depositions of Messrs. Stallcup and Dudley are taken, then OCL will also file a copy of the transcript of those depositions. See Order No. PSC-95-0509-PCO-WS. In addition, and as authorized in Order No. PSC-95-0509-PCO-WS, OCL further requests leave to present the testimony of Messrs. Stallcup and Dudley as live testimony at the hearing.

DATED this 10th day of September, 1997.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP  
Suite 601  
215 South Monroe Street  
Tallahassee, FL 32301  
Attorneys for Orlando  
CoGen Limited, Ltd.

By:   
Matthew N. Childs, P.A.

**CERTIFICATE OF SERVICE  
DOCKET NO. 961184-EQ**

**I HEREBY CERTIFY that a true and correct copy of Orlando CoGen Limited, L.P.'s Response to Order No. PSC-97-1009-PCO-EQ/Direct Testimony and Exhibits and Motion to Present Live Testimony has been furnished by Hand Delivery (\*), or U.S. Mail this 10th day of September, 1997, to the following:**

**William Cochran Keating IV, Esq.\*  
Division of Legal Services  
FPSC  
2540 Shumard Oak Blvd.#370  
Tallahassee, FL 32399**

**James A. McGee, Esq.  
Florida Power Corporation  
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**Matthew M. Childs, P.A.**