



ORIGINAL  
Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 24, 1998

TO: JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON, COMMISSIONER  
SUSAN F. CLARK, COMMISSIONER  
JOE GARCIA, COMMISSIONER  
E. LEON JACOBS, COMMISSIONER  
BILL TALBOTT, EXECUTIVE DIRECTOR  
JAMES WARD, DEPUTY EXECUTIVE DIRECTOR/ADM.  
MARY BANE, DEPUTY EXECUTIVE DIRECTOR/TECH.  
ROB VANDIVER, GENERAL COUNSEL  
DAVID SMITH, DIRECTOR OF APPEALS  
NOREEN DAVIS, DIRECTOR OF LEGAL SERVICES  
TIM DEVLIN, DIRECTOR OF AUDITING & FINANCIAL ANALYSIS  
WALTER D'HAESELEER, DIRECTOR OF COMMUNICATIONS  
JOE JENKINS, DIRECTOR OF ELECTRIC & GAS  
BEVERLEE DEMELLO, DIRECTOR OF CONSUMER AFFAIRS  
DAN HOPPE, DIRECTOR OF RESEARCH & REGULATORY REVIEW  
BLANCA BAYO, DIRECTOR OF RECORDS & REPORTING  
CHUCK HILL, DIRECTOR OF WATER & WASTEWATER

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FROM: RICHARD C. BELLAK, DIVISION OF APPEALS RCB

RE: PANDA-KATHLEEN, L.P. V. FPSC AND FPC - U.S. SUPREME COURT CASE NO. 97-1316

ACK \_\_\_\_\_

AFA \_\_\_\_\_ On April 20, 1998, the United States Supreme Court denied  
APP \_\_\_\_\_ Panda-Kathleen, L.P.'s (Panda) petition for a writ of certiorari.  
CAF \_\_\_\_\_ Panda had argued that PURPA<sup>1</sup> was violated because the Commission  
CMU \_\_\_\_\_ invalidated Panda's contract to supply electric power to Florida  
CTR \_\_\_\_\_ Power Corporation by modifying the terms of the parties' standard  
EAG \_\_\_\_\_ offer contract after it had been approved by the Commission. The  
Commission argued that it was required to implement PURPA by  
enforcing the Commission's cogeneration rules.

LEG \_\_\_\_\_ A copy of the Court's announcement is attached.

LIN \_\_\_\_\_

CRP \_\_\_\_\_

RCB \_\_\_\_\_ RCB

SEL \_\_\_\_\_ / Attachment  
PANDACT. RCB

WAS \_\_\_\_\_

OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

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<sup>1</sup> Public Utilities Regulatory Policies Act - RECORDS/REPORTING

Elias

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, D. C. 20543

98 APR 24 AM 9:41

April 20, 1998

Mr. Robert D. Vandiver  
Florida Publ. Svc. Commission  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0892

Re: Panda-Kathleen, L. P.  
v. Florida Power Corporation and Florida Public  
Service Commission  
No. 97-1316

Dear Mr. Vandiver:

The Court today entered the following order in the above  
entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk