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April 3, 2000

VIA HAND DELIVERY

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RECORDS AND REPORTING

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RE: In re: Petition for determination of need for electric power plant in St. Lucie County by Panda Midway Power Partners, L.P., Docket No. 000289-EU

Dear Ms. Bayo:

Attached please find the originals and fifteen copies (15) each of Panda Midway Power Partners, L.P.'s Objection to Florida Power & Light Company's Petition For Leave to Intervene and Request For Oral Argument to be filed in the above styled case. Also attached is a copy of each of these pleadings to be stamped as received by your office for our files.

Thank you for your attention to this matter.

Very truly yours,

Suzanne Brownless

Suzanne Brownless
Attorney for Panda Midway Power Partners, L.P.

c: 3096
cc: Steve Crain, P.E.
Bill Lamb, Esq.
Jeff Schroeter, P.E.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for determination of need for electric power plant in St. Lucie County by Panda Midway Power Partners, L.P.	DOCKET NO. 000289-EU Filed: April 3, 2000

PANDA MIDWAY POWER PARTNERS, L.P.'S
OBJECTION TO FLORIDA POWER & LIGHT COMPANY'S
PETITION FOR LEAVE TO INTERVENE

Panda Midway Power Partners, L.P. (Panda Midway), pursuant to Rule 28-106.204(1), Florida Administrative Code, files this Objection to Florida Power & Light Company's (FPL) Petition For Leave To Intervene filed on March 27, 2000 (FPL Petition), requests that this Commission deny intervention and in support thereof states as follows:

Background

1. This docket is a determination of need petition filed under §403.519, Florida Statutes, and Florida Public Service Commission Rules 25-22.080 and 25-22.081, Florida Administrative Code. The purpose of this docket is to determine whether the 1,000 MW electric power plant which Panda Midway proposes to build is "needed" in the State of Florida. "Need" is established by demonstrating that the proposed plant contributes to electric system reliability and integrity; provides adequate electricity at a reasonable cost; and constitutes the most cost-effective alternative available. §403.519, Florida Statutes.

2. Panda Midway is an Exempt Wholesale Generator (EWG) as defined in 15 U.S.C.S. §§ 79z-5a as indicated in attached FERC order, 90 FERC 62,167, issued on March 7, 2000. [Attachment A].

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The Commission has ruled that "need" can be established by proving "economic", as opposed to "reliability" need, i.e., that the generating facility proposed will be more cost effective than existing generation.[1] The Commission has further ruled that a demonstrated statewide, as opposed to individual utility, need is sufficient to support an application for an EWG need determination.[2]

Legal Standard

3. In order to have standing to intervene in a formal administrative hearing under Chapter 120, Florida Statutes, a party must have a right to intervene based on the constitution, a statute or agency regulation or have its substantial interests determined in that proceeding. §120.569(1), Florida Statutes; Florida Society of Ophthalmology v. State Board of Optometry, 532 So.2d 1279, 1284 (Fla. 1st DCA 1988). FPL has not alleged any constitutional, statutory or regulatory right to intervention in this proceeding, and instead has alleged that the decision in this proceeding will affect its substantial interests.

4. Florida case law sets forth a two prong test for intervention by a third party in an administrative hearing. The petitioning party must show that it will suffer injury in fact of

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[1] In re: Joint petition for determination of need for an electrical power plant in Volusia County by the Utilities Commission, City of New Smyrna Beach, Florida, and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (Duke New Smyrna), 99 FPSC 3:401, 440-442 (1999).

[2] Duke New Smyrna, 99 FPSC 3 at 442-43.

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such immediate sufficiency or sufficient immediacy to entitle the party to intervention and that the party's substantial injury is of the type and nature which the proceeding is designed to protect. AmeriSteel Corp. v. Clark, 691 So.2d 473, 477 (Fla. 1997); Friends of the Everglades, Inc. v. Board of Trustees of Internal Improvement Trust Fund, 595 So.2d 186, 188-89 (Fla. 1st DCA 1992); Agrico Chemical Co. v. Department of Environmental Regulation, 406 So.2d 478, 482 (Fla. 2d DCA 1981), rev. denied, 415 So.2d 1359 (Fla. 1982). The first part of this two part test deals with the degree of injury, while the second part of the test deals with the nature of the injury. Id.

5. The injury suffered by the petitioner must be immediate, not speculative or remote. AmeriSteel, 691 So.2d 477-78 (Claim that higher rates charged by FPL for electricity are one factor which could lead to the closure of its steel plant not injury in fact of sufficiency to entitle AmeriSteel to intervene in territorial dispute.); International Jai-Alai Players Association v. Florida Pari-Mutuel Comm., 561 So.2d 1224, 1225-26 (Fla. 3d DCA 1990)(Fact that change in playing dates might affect labor dispute, resulting in economic losses to players, was too remote to establish standing in hearing to set opening and closing dates for frontons.); Village Park Mobile Home Association, Inc. v. State, Department of Business Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 506 So.2d 426, 430 (Fla. 1st DCA 1987)(Mobile home park owners association did not have standing to request an evidentiary hearing to contest the Department's approval

of a new park prospectus even though new prospectus significantly changed the terms of tenancy in the park, increasing the cost of park services and thereby potentially lowering the resale value of mobile homes located in the park.); Florida Society of Ophthalmology v. State Board of Optometry, 532 So.2d 1279, 1288 (Fla. 1st DCA 1988)(Assertion physicians' substantial interest were substantially affected in that patients could be adversely impacted by rule allowing optometrists to dispense prescription medicines was rejected by Court as too speculative and primarily one of economic loss from competition.)

6. In licensing or permitting proceedings, competitive economic interests alone are insufficient to satisfy the second, "zone of interest", prong of the test. Agrico, 406 So.2d at 482 ("Chapter 403 simply was not meant to redress or prevent injuries to a competitor's profit and loss statement."); Shared Services, Inc. v. State Department of Health and Rehabilitative Services, 426 So.2d 56, 58-9 (Fla. 1st DCA 1983)(The Court found that "clear statutory authority" was required in order to consider competitive economic and duplication of services issues in a licensing and certification proceeding.); City of Sunrise v. South Florida Water Management District, 615 So.2d 746, 747 (Fla. 4th DCA 1993), rev. dismissed, 626 So.2d 203 (Fla. 1993)("While Sunrise may suffer losses and its customers incur expenses due to economic competition and under utilized capacity, this does not satisfy the 'immediacy' requirement.")

7. In this docket, FPL has alleged that its substantial

interests are affected in several ways:

a) the ability of FPL to plan for its transmission system (FPL Petition at ¶ 6);

b) the ability of FPL to plan its next generating addition (FPL Petition at ¶¶ 7, 8);

c) the fact that Panda Midway will "use up" resources (water and air emissions limits) that could later be used by FPL's proposed power plants (FPL Petition at ¶ 9);

d) the ability of FPL to "preserve" its legal position that EWGs are not proper "applicants" under the Florida Electrical Power Plant Siting Act currently on appeal at the Florida Supreme Court in Tampa Electric Company, et al. v. Garcia, Case Nos. 95,444, 95,445 and 95,446 (FPL Petition at ¶ 10);

e) the fact that as the largest electric utility in the state, FPL will be the "principal market for the output of the proposed Project" and, therefore, an "indispensable" party to this docket (FPL Petition at ¶¶ 11, 15);

f) the fact that Panda Midway will constitute an uneconomic duplication of generating facilities (FPL Petition at ¶ 15); and

g) the fact that construction of the Panda facility will displace high cost, inefficient oil and gas fired generation and lower off-system sales of energy and capacity. (FPL Petition at ¶15).

8. FPL further draws the Commission's attention to the fact that competitive suppliers were allowed to intervene in past need

determinations citing the Cypress Energy[3] case as an example of this type of intervention. Finally, FPL states that it has been allowed to intervene in both the Duke New Smyrna Beach and Okeechobee Generating Company EWG need determination cases in similar circumstances to those presented here. (FPL Petition at 12).

9. None of these allegations are sufficient to establish standing to intervene in this proceeding under the two-prong standing test outlined in Florida case law as demonstrated below.

> This need determination docket does not affect the ability of FPL to plan for, or operate, its own transmission or generation systems.

10. The purpose of need determination proceedings is to test whether the proposed power plant is "needed" and whether the proposed plant constitutes the most cost effective means of meeting that identified need. If a project is determined by the Commission to meet these criteria, the Commission grants it a determination of need which "creates a presumption of public need and necessity". §403.519, Florida Statutes. A need determination proceeding is not a planning proceeding, it is a licensing proceeding in which one element which must be proven is statewide need.

11. Each need determination docket determines the right of the applicant alone to build a power plant. That is, a positive showing that a third party's power plant could supply electricity

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[3] In re: Joint Petition to Determine Need for Electric Power Plant to be located in Okeechobee County by Florida Power & Light Company and Cypress Energy Partners, L.P., 92 FPSC 11:363 (1992).

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more cost effectively than that of the applicant does not entitle that third party to a need determination order. In order to get a need determination order from the Commission, the third party has to file a separate need determination of its own. In re: Joint Petition to Determine Need for Electric Power Plant to be located in Okeechobee County by Florida Power & Light Company and Cypress Energy Partners, L.P., 92 FPSC 11:363, 365 (1992).

12. FPL is free to engage in its own planning activities for both transmission and generation. Nothing determined in this proceeding will inhibit FPL from freely doing so and modeling the Panda Midway project in its next Ten Year Site Plan however it sees fit. FPL is free to ignore all or any portion of Panda Midway's output in determining its own generating and transmission needs and reporting those needs to the Commission. FPL is also free to file its own need determination for any power plant that it deems necessary to provide service to its ratepayers and to account for Panda Midway in its own need justification as it sees fit, i.e., make the argument that it posits here that the plant's capacity had to be completely ignored since it was not formally committed to FPL by contract.

13. This proceeding cannot result in FPL being required to purchase a single MW of capacity from the Panda Midway plant nor to make a single capital improvement of any type. Nor does an affirmative determination of need allow Panda Midway to interconnect with FPL's system or require FPL to transport a single kW over its transmission system. The processes by which Panda

Midway would acquire the rights to interconnect with, and transport power over, FPL's transmission system are controlled by the Federal Energy Regulatory Commission (FERC), not the Florida Public Service Commission.[4]

14. Since the Florida electric grid is by its very nature interconnected, any electric power plant located anywhere in the state can be said to affect the operation and planning of FPL's system. However, FPL has never sought to intervene in the need determinations of its brother investor-owned utilities, even those who were already directly interconnected with its transmission system. If FPL can adequately plan for FPC's and TECO's proposed units, it can adequately plan for Panda Midway's proposed unit without participation in this docket.

15. This proceeding is not a planning docket and cannot affect the ability of FPL to plan for, maintain or operate its own electric system. On the basis of this allegation, FPL cannot meet the second part of the Agrico test: that the substantial interest asserted be the type that the proceeding is designed to protect.

> FPL does not have an exclusive "right" to the resources of the State of Florida nor any greater "right" to construct power plants than Panda Midway.

16. FPL asserts that if the Panda Midway project is built

[4] FPL has adopted FERC's Pro Forma Transmission Tariff which establishes the requirements for firm point-to-point transmission service, including applications, required deposits, determination of available transmission capacity, system impact studies, facilities studies, and imposition of costs (usually on the applicant) for these studies and for required facilities.

valuable natural resources, resources that FPL could later use for its own power plants, will be "wasted" on Panda Midway. FPL Petition at ¶ 9. This argument is closely linked to FPL's contention that Panda Midway will constitute an uneconomic duplication of generating facilities. FPL Petition at ¶ 15. FPL's whole argument can be boiled down to this: if Panda Midway is allowed to build this plant, FPL may not be able to build all or some portion of its next planned unit(s). At its core this is a competitive, economic loss argument. FPL is arguing that it should be allowed to intervene because its economic interests may be adversely affected by the Panda Midway project. As the case law cited above indicates, economic interest, especially speculative adverse economic interest, is insufficient to meet the second prong of the Agrico test.

17. FPL does not have any more "right" to use the resources of the State of Florida in the construction and operation of power plants than does any other entity qualifying as an applicant under the Florida Electrical Power Plant Siting Act, §§ 403.501-.518, Florida Statutes, (Siting Act). While FPL disagrees with the Commission's decision that EWGs can be applicants under the Siting Act, at this time EWGs occupy the same status as traditional investor-owned utilities. Duke New Smyrna, 99 FPSC 3 at 415-16.

18. Further, it should be noted that this proceeding is limited to a determination of the "need" for the Panda Midway Project, it is not the proceeding in which the environmental impacts of the Project are evaluated and weighed. Indeed, the

Commission in the past has ruled that environmental issues are not proper issues for consideration by the Commission. The proceeding in which the environmental aspects of the Project are considered is the Certification Hearing before the Department of Environmental Regulation/Division of Administrative Hearings. §403.527, Florida Statutes.

19. FPL's allegations of potential adverse environmental impact and potential uneconomic duplication of facilities fail to meet the Agrico test. Potential adverse environmental impact is not the subject of this proceeding and fails to meet the second prong of the Agrico test. Potential uneconomic duplication of facilities is too speculative to meet the first prong of the Agrico test. These allegations cannot be the basis upon which the Commission can grant FPL standing to intervene in this case.

> Preservation of a legal position is not a substantial interest under Chapter 120, Florida Statutes.

20. FPL argues that it should be allowed to intervene in this docket in order to "preserve" its position that EWGs do not meet the definition of "applicant" under the Siting Act currently on appeal in the Florida Supreme Court. FPL Petition at ¶ 10. This argument is completely without merit. As the Judge Zehmer stated in Florida Society of Ophthalmology v. State Board of Optometry, 532 So.2d 1279, 1284 (Fla. 1st DCA 1988):

> [N]ot everyone having an interest in the outcome of a particular dispute over an agency's interpretation of the law submitted to its charge, or the agency's application of that law in determining the rights and

> interests of members of the government or the public, is entitled to participate as a party in an administrative proceeding to resolve that dispute.

[Emphasis added.]

21. Whether FPL is a party to this docket or not the Commission will apply the decision of the Florida Supreme Court appropriately when issued. FPL does not have standing in every docket in which a decision may be made that may adversely affect its interests. Panda Midway is entitled to have its need determination tried before the Commission with only those parties whose interests are actually substantially affected participating. As the Commission is well aware, the cost of litigation escalates geometrically with every intervenor. FPL's interest in the "applicant" issue is no more or less than that of every other electric utility in the State. If the Commission allows FPL to intervene on this basis, it could not logically exclude any electric utility no matter far from the Panda Midway project.

22. FPL is not arguing, nor could it, that its intervention is necessary in every subsequent EWG docket until the Supreme Court rules on the TECO appeal in order to perfect its status in that appeal. The Florida Supreme Court has already heard oral argument in the TECO appeal, in which FPL participated, and is, one assumes, arriving at its decision.

23. An interest solely in the legal precedent created by any proceeding is simply not a substantial interest under Chapter 120, F.S., and fails to meet the first prong of the Agrico test.

FPL is not an "indispensable party" to this docket since its participation is not necessary to reach a complete and efficient determination of the rights, equities and liabilities at issue in this need determination docket.

24. In order for a party to be an "indispensable party" under Florida law the party must be one whose interest in the subject matter of the action is such that if he is not joined, a complete and efficient determination of the equities, rights and liabilities of the other parties is not possible. Hallmark Builders, Inc. v. Hickory Lakes of Brandon, Inc., 458 So.2d 45, 46 (Fla. 2d DCA 1984)(Third party purchaser indispensable party to specific performance suit.); Bernstein v. Dwork, 320 So.2d 472, 474 (Fla. 3d DCA 1975)(Since Mr. Dwork, plaintiff's husband, was not a joint obligee, he was not an indispensable party to suit to recover on promissory notes.)

25. FPL has not argued that it must be a party to this suit in order for the Commission to render a complete and efficient determination of the equities, rights and liabilities of Panda Midway in regard to this need determination. Nor could it. FPL has not meet the requirements of Florida case law to be an indispensable party.

26. FPL instead argues that it is an indispensable party because it is the "principal market" for the energy and capacity of the Panda Midway Project. FPL Petition at ¶¶ 11, 15. As support for this position, FPL cites this Commission's decision in In re: Petition of Florida Power and Light Company to determine need for

electrical power plant - Martin expansion project (Martin), 90 FPSC 6:268 (1990). In the Martin case, the Commission ruled that when the winner of any FPL bid came to the Commission for a need determination FPL would be an indispensable party to that need determination case. Martin, 90 FPSC 6 at 284.[5] Obviously, in such an instance FPL would have entered into a long term firm contract with such a winning bidder and would be satisfying its own utility needs from that contract and would be contractually bound to purchase the contract capacity and energy.

27. It is not, as FPL suggests, irrelevant that FPL will not have to purchase any energy or capacity from Panda Midway. The mandatory purchase aspect of both need determinations involving winning bidders and need determinations involving cogenerators, in which both entities would have long term firm contracts with the investor owned utility, was the key to the Commission's decision to declare the investor-owned utility an indispensable party in such cases. Everyone agrees that there is no such contract between Panda Midway and FPL in this case.

28. Again, FPL's argument is an economic one: FPL might have to purchase Panda Midway power and therefore, might be affected by the construction of the Panda Midway project. This argument fails because it is based purely on speculative economic impact, and does

[5] "When a utility awards a contract to a bidder for the supply of all or part of that utility's capacity needs, the utility must be an indispensable party to the need determination proceeding in order for the Commission to adequately evaluate the need application."

not meet the first prong of the Agrico test. Economic arguments fail for a more basic reason as well, this is not a proceeding in which FPL will be required to purchase Panda Midway capacity or energy nor one in which FPL will be granted or denied the right to recover the cost of whatever capacity or energy it does, in fact, purchase. In short, the economic impact of either the purchase or failure to purchase Panda Midway energy and capacity is not at issue in this proceeding. The second prong of the Agrico standard, is thus, not meet.

28. Under neither Florida law nor Commission precedent is FPL an indispensable party to this docket.

> The potential loss of off-system sales by FPL is a pure economic loss which cannot constitute substantial interest in this need determination proceeding.

29. FPL states that its substantial interests will be affected in that if the Panda Midway Project is built it will make fewer off-system energy and capacity sales due to the fact that existing higher cost FPL facilities will be displaced. FPL Petition at ¶ 15. This is a pure economic loss argument and fails to satisfy either prong of the Agrico test. This proceeding does not address cost recovery or revenues for FPL in any manner whatsoever. The fact that potential lower off-system sales may affect ratepayers is both speculative and can be dealt with in proceedings designed to address such issues: the fuel adjustment clause docket and rate case/rate of return dockets.

30. In short, FPL's allegation of potential lower off-system

sales is both too remote to meet the first prong of the Agrico test and so totally unrelated to any issues to be determined in this need determination case that it can't meet the second prong of the Agrico test.

> FPL has not proposed a specific project which will compete with Panda Midway and, therefore, is not a "competitive supplier"; Cypress Energy does not apply.

31. FPL has alleged that it should be allowed to intervene because it is a "competing alternative" to Panda Midway's Project. FPL Petition at 11. That is, FPL is alleging that it occupies the same position as Ark Energy Inc./CSW Development-I, Inc. (Ark/CSW) and Nassau Power Corporation (Nassau Power) in the Cypress Energy [6] case. However, both Ark/CSW and Nassau Power intervened in the Cypress Energy case in order to offer competing power plants for consideration as being more cost effective than that proposed by the applicant, Cypress Energy. FPL is not offering for consideration in this need petition a specific "competing alternative" to the Panda Midway Project, i.e., a proposed power plant that is more cost effective than that proposed by Panda Midway. The precedent relied upon by FPL is simply not applicable here.

> The allowance of intervention by FPL in the Duke New Smyrna and Okeechobee cases is not controlling in this docket.

32. FPL states that it has been allowed under the "same

[6] In re: Joint Petition to Determine Need for Electric Power Plant to be located in Okeechobee County by Florida Power & Light Company and Cypress Energy Partners, L.P., 92 FPSC 11:363 (1992).

circumstances" to intervene in the Duke New Smyrna and Okeechobee need determination cases. FPL Petition at 12. It is Panda Midway's position that the Commission erred in allowing FPL to intervene in those dockets for the reasons presented above. When statutes and case law have been incorrectly interpreted, the Commission is free to reconsider and follow the proper course of action in subsequent proceedings. Such is the case here. The orders granting FPL intervention in those cases is not controlling precedent here.

Conclusion

33. For the reasons discussed above, FPL has not alleged any facts in its Petition For Leave To Intervene which meet the two pronged Agrico test for substantial interest and should be denied intervenor status in this proceeding.

WHEREFORE, Panda Midway Power Partners, L.P., request that the Commission deny Florida Power & Light Company's Petition for Leave to Intervene in this proceeding.

Respectfully submitted this 3d day of April, 2000 by:

Suzanne Brownless, Esq.
Fla. Bar No. 309591
Suzanne Summerlin, Esq.
Fla. Bar No. 398586

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ATTORNEYS FOR PANDA MIDWAY POWER PARTNERS, L.P.

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426

OFFICE OF THE GENERAL COUNSEL

March 7, 2000

Mr. William M. Lamb
Assistant General Counsel
Panda Energy International, Inc.
4100 Spring Valley Road, Ste. 1001
Dallas, Texas 75244

Re: Docket No. EG00-88-000

Dear Mr. Lamb:

On January 28, 2000, you filed an application for determination of exempt wholesale generator status on behalf of Panda Midway Power Partners, L.P., pursuant to section 32 of the Public Utility Holding Company Act of 1935 (PUHCA). Notice of the application was published in the Federal Register, 65 Fed. Reg. 6,597 (2000), with interventions or comments due on or before February 24, 2000. None was filed.

Authority to act on this matter is delegated to the General Counsel. 18 C.F.R. 375.309(g). The General Counsel has further delegated that authority to the Assistant General Counsel for Electric Rates and Corporate Regulation. Based on the information set forth in the application, I find that Panda Midway Power Partners, L.P. is an exempt wholesale generator as defined in section 32 of PUHCA.

A copy of this letter will be sent to the Securities and Exchange Commission.

Sincerely,

Michael A. Bardee

Michael A. Bardee
Acting Assistant General Counsel
Electric Rates and Corporate Regulation

ATTACHMENT A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for determination of need for electric power plant in St. Lucie County by Panda Midway Power Partners, L.P.	DOCKET NO. 000289-EU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Panda Midway Power Partners, L.P.'s Objection to Florida Power & Light Company's Petition For Leave to Intervene has been provided by U.S. Mail or (*) Hand Delivery to the following on April 3, 2000:

Charles A. Guyton, Esq.
Matthew M. Childs, Esq.
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Suzanne Brownless, Esq.

c: 3093

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for determination of need for electric power plant in St. Lucie County by Panda Midway Power Partners, L.P.	)	DOCKET NO. 000289-EU
	)	Filed: April 3, 2000

PANDA MIDWAY POWER PARTNERS, L.P.'S
REQUEST FOR ORAL ARGUMENT

COMES NOW, PANDA MIDWAY POWER PARTNERS, L.P., pursuant to Rule 25-22.058, F.A.C., by and through its undersigned attorney, requests that it be granted oral argument on its Objection to Florida Power & Light Company's Petition For Leave To Intervene filed in the above-styled docket, and in support thereof, states as follows:

1. As the Commission is well aware, this case follows close on the heels of the consideration by the Commission of the need determination petitions of two other Exempt Wholesale Generators (EWG): Duke New Smyrna and Okeechobee Generating. While many of the legal issues raised in this docket are the same as those presented before, the facts of this case are unique. Further, the regulatory and competitive environment in which this case is being litigated is not the same at either the state or federal levels as it was in the earlier cases.

2. EWG need determinations present a new challenge to the Commission. This area of the law, and the Florida electric wholesale market, is so rapidly changing that the Commission cannot afford not to take advantage of all potential parties' views on the complex issue of who should be allowed to participate in EWG need determinations.

3. Oral argument will allow the Commission to more fully appreciate and evaluate the competing interests of all the stakeholders in the case at hand.

WHEREFORE, Panda Midway Power Partners, L.P., requests that it be granted oral argument on its Objection to Florida Power & Light Company's Petition For Leave To Intervene.

Respectfully submitted, this 3d day of April, 2000, by:

Suzanne Brownless, Esq.
Fla. Bar No. 309591
Suzanne Summerlin, Esq
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POWER PARTNERS, L.P.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for determination of need for electric power plant in St. Lucie County by Panda Midway Power Partners, L.P.	)))))	DOCKET NO. 000289-EU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Panda Midway Power Partners, L.P.'s Request For Oral Argument has been provided by U.S. Mail or (*) Hand Delivery to the following on April 3, 2000:

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