

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In Re: Petition for Determination)
of Need for an Electrical Power Plant in)
St. Lucie County by Panda Midway)
Power Partners, L.P.)
_____)

DOCKET NO. 000289-EU

PETITIONER'S REQUEST FOR ORAL ARGUMENT
ON ITS RESPONSE AND MEMORANDUM OF LAW
IN OPPOSITION TO FLORIDA POWER CORPORATION'S
MOTION TO DISMISS THE PETITION

Panda Midway Power Partners, L.P. ("Panda Midway"), pursuant to Florida Public Service Commission Rule 25-22.058, F.A.C., by and through its undersigned attorney, hereby respectfully requests that it be granted oral argument on its Response and Memorandum of Law in Opposition to Florida Power Corporation's Motion to Dismiss the Petition filed in the above-styled docket and, in support thereof, states as follows:

1. This petition for determination of need by Panda Midway as an Exempt Wholesale Generator ("EWG") is one of only four such filings to be made with the Commission at this point in time. Petitions for determinations of need by EWGs represent new territory for the Commission. This case presents many of the same significant and novel legal and policy issues that have been presented by the two proceedings for need determinations for EWGs that have preceded it (by Duke New Smyrna and Okeechobee Generating Company). However, this case also has its own unique facts. Each of these initial EWG filings will shape the

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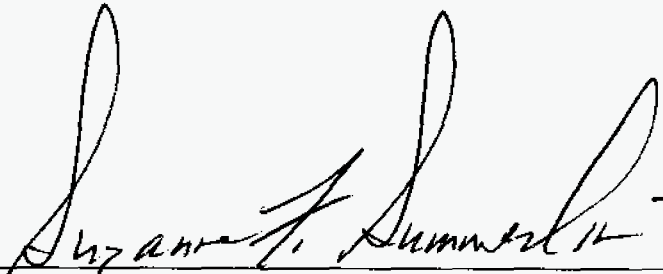
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development of the decisional law and policy that will govern all future EWG need determinations. For all of these reasons, Panda Midway submits that the Commission will benefit from discussion of the issues raised in Florida Power Corporation's Motion to Dismiss the Petition and Panda Midway's Response and Memorandum of Law in Opposition to FPC's Motion to Dismiss the Petition.

2. Panda Midway Power Partners, L.P., has incurred a great deal of expense and time in the preparation of its Petition for Determination of Need. As the Commission's decision on FPC's Motion to Dismiss could be dispositive of the Petition, it is an extremely serious determination for Panda Midway.

3. Granting oral argument will permit the Commission to thoroughly evaluate and completely understand the parties' positions.

Respectfully submitted, this 5th day of April, 2000.

A handwritten signature in black ink, appearing to read "Suzanne F. Summerlin". The signature is written in a cursive style with large, sweeping loops.

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L.P.

CERTIFICATE OF SERVICE

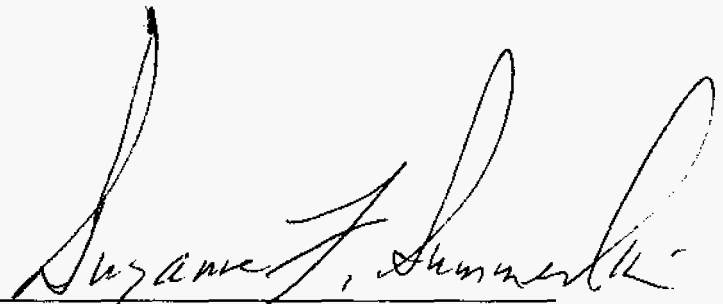
I HEREBY CERTIFY that a true and correct copy of this Panda Midway Power Partners, L.P.'s Request for Oral Argument on its Response and Memorandum of Law in Opposition to Florida Power Corporation's Motion to Dismiss the Petition in Docket No. 000289-EU was served by Hand Delivery(*) or mailed this 5th day of April, 2000, to the following:

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