

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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-EC Filed: April 7, 2000

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INTERVENOR FLORIDA POWER CORPORATION'S PRELIMINARY LIST OF ISSUES

Intervenor Florida Power Corporation ("FPC") files the following preliminary list of issues:

Legal Issues

- 1. Does the Florida Public Service Commission ("PSC") have the statutory authority to render a determination of need under Section 403.519, Florida Statutes, for a merchant plant that does not have an agreement in place for the sale of firm capacity and energy to a state-regulated utility with a statutory obligation to serve retail customers in this State?
2. Does the Petition fail to meet the pleading requirements of Rule 25-22.081?
3. Must petitioners comply with the "bid rule," Rule 25-22.082, Florida Administrative Code?
4. Must petitioners file a Ten Year Site Plan pursuant to Rule 25-22.071, as a prerequisite to a need determination?
5. Based on the resolution of the foregoing issues, should the petitions be dismissed?

Factual Issues

AFA APP CAF CMU CTR EAG LEG MAS OPC RRR SEC WAW OTH

- 1. Is there a need for either or both of the proposed power plants, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519?
2. Is there a need for either or both of the proposed power plants, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519?

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3. Is each proposed power plant the most cost-effective alternative available, as this criterion is used in Section 403.519?

4. Are there any conservation measures taken by or reasonably available to the petitioners which might mitigate the need for the proposed power plants?

5. Based on the resolution of the foregoing issues, should the petitions for determination of need for the proposed power plants be granted or denied?

6. Should this docket be closed?

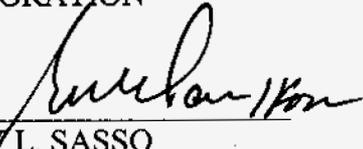
Policy Issue

1. Would adding either or both of the proposed merchant plants to the Florida wholesale market at this time, without a prior showing of contractual commitments to meet some identified need of particular Florida retail utilities in a cost-effective manner, serve or disserve the public interest?

Respectfully submitted,

JAMES A. McGEE
Senior Counsel
FLORIDA POWER CORPORATION
P.O. Box 14042
St. Petersburg, Florida 33733
Telephone: (727) 820-5184
Facsimile: (727) 820-5519

FLORIDA POWER
CORPORATION

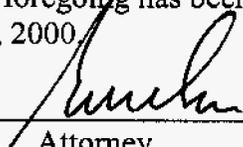

GARY L. SASSO
Florida Bar No. 622575
Jill H. Bowman
Florida Bar No. 057304
CARLTON, FIELDS, WARD,
EMMANUEL, SMITH & CUTLER
Post Office Box 2861
St. Petersburg, FL 33731
Telephone: (727) 821-7000
Telecopier: (727) 822-3768

- and -

Robert Pass
Florida Bar No. 183169
CARLTON, FIELDS, WARD,
EMMANUEL, SMITH & CUTLER, P.A.
P.O. Drawer 190
Tallahassee, FL 32302-0190
Telephone: (850) 224-1585
Facsimile: (850) 222-0398

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties of record this 7th day of April, 2000.



Attorney

PARTIES OF RECORD:

Suzanne Brownless, Esq.
1311-B Paul Russell Road, Ste. 201
Tallahassee, FL 32301
Phone: (850) 877-5200
Fax: (850) 878-0090
Attorneys for Panda Midway Power Partners,
L.P.

Steven W. Crain, P.E.
Panda Midway Power Partners, L.P.
4100 Spring Valley, Ste. 1001
Dallas, Texas 75244

Matthew M. Childs
Charles A. Guyton
Florida Power & Light Company
810 First Florida Bank
215 S. Monroe Street
Tallahassee, FL 32301-1888

Jon Moyle, Jr.
Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301

Regional Planning Council #10
Michael Busha
301 E. Ocena Blvd., Ste. 300
Stuart, FL 34994
Phone: (561) 221-4060
Fax: (561) 221-4067

Paul Darst
Department of Community Affairs
Division of Local Resource Planning
2740 Centerview Drive
Tallahassee, FL 32399-2100
Phone: (850) 488-8466
Fax: (850) 921-0781

Department of Environmental Regulation
Gary Smallridge
2600 Blirstone Road
Tallahassee, FL 32399-2400
Phone: (850) 487-0472