

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: MAY 4, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF ELECTRIC AND GAS (HAFF, BREMAN, GOAD, MAKIN, COLSON, FUTRELL) DIVISION OF LEGAL SERVICES (C. KEATING, CLEMONS, STERN, ISAAC) DIVISION OF AUDITING & FINANCIAL ANALYSIS (LESTER)

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY OKEECHOBEE GENERATING COMPANY, L.L.C.

DOCKET NO. 000288-EU - PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL POWER PLANT IN LAKE COUNTY BY PANDA LEESBURG POWER PARTNERS, L.P.

DOCKET NO. 000289-EU - PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL POWER PLANT IN ST. LUCIE COUNTY BY PANDA MIDWAY POWER PARTNERS, L.P.

DOCKET NO. 000442-EI - PETITION FOR DETERMINATION OF NEED FOR THE OSPREY ENERGY CENTER BY CALPINE CONSTRUCTION FINANCE COMPANY, L.P.

AGENDA: MAY 16, 2000 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\EAG\WP\000288.RCM

CASE BACKGROUND

On September 24, 1999, Okeechobee Generating Company, L.L.C. (OGC), filed a Petition for Determination of Need for an Electrical

DOCUMENT NUMBER-DATE
05559 MAY-48

FPSC-RECORDS/REPORTING

DOCKET NOS. 991462-EU, 000288-EU, 000289-EU, 000442-EI
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Power Plant. OGC proposed to construct a 550-megawatt (MW) natural gas-fired, combined cycle merchant power plant in Okeechobee County, Florida, to commence commercial operation in April, 2003. An administrative hearing on OGC's petition is set for October 18-20, 2000.

On March 6, 2000, Panda Leesburg Power Partners, L.P. (Panda Leesburg) and Panda Midway Power Partners, L.P. (Panda Midway) filed petitions to determine the need for electrical power plants in Lake County and St. Lucie County, respectively. Panda Leesburg and Panda Midway both proposed to construct separate 1000-MW natural gas-fired, combined cycle merchant power plants to commence commercial operation by May, 2003. The petition filed by Panda Leesburg was assigned Docket No. 000288-EG, and the petition filed by Panda Midway was assigned Docket No. 000289-EG. By Order No. PSC-00-0685-PCO-EU, issued April 12, 2000, these dockets were consolidated. A hearing for the consolidated dockets is currently scheduled for July 12-14, 2000.

On March 30, 2000, Florida Department of Environmental Protection (DEP) filed a Notice of Receipt of Power Plant Siting Application and Request for Assignment of Administrative Law Judge regarding Calpine Construction Finance Company, L.P. (Calpine) Power Plant Siting. Calpine filed an application for power plant site certification with the DEP to construct a 527-MW natural gas-fired, combined cycle merchant power plant in Polk County, Florida, to be known as the Osprey Energy Center. A hearing is currently scheduled for August 14-16, 2000.

On April 20, 2000, the Florida Supreme Court issued its decision in Tampa Electric Co.; Florida Power Corp.; and Florida Power & Light Co., v. Garcia, et al., as the Florida Public Service Commission; Utilities Commission, City of New Smyrna Beach; and Duke Energy New Smyrna Beach Power Co., Ltd., L.L.P., Case Nos. SC95444, SC95445, SC95446 (Order). Therein, the Court reversed the Commission's prior decision to grant a need determination "for an electric power company's proposal to build and operate a merchant plant in Volusia County." Order, p. 2. At page 13 of its Order, the Court indicated that "[a] determination of need is presently available only to an applicant that has demonstrated that a utility or utilities serving retail customers has specific committed need for all of the electrical power to be generated at a proposed plant."

Accordingly, the pending merchant plant need determination dockets may be affected by the Florida Supreme Court's decision.