

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Petition for Determination) DOCKET NO. 000442-EI
of Need for an Electrical Power)
Plant in Polk County by Calpine) FILED: JULY 17, 2000
Construction Finance)
Company, L.P.)

RECORDS AND REPORTING

**CALPINE CONSTRUCTION FINANCE COMPANY'S
REQUEST FOR ORAL ARGUMENT**

Calpine Construction Finance Company, L.P., ("Calpine"), pursuant to Rule 25-22.058, Florida Administrative Code ("F.A.C."), hereby requests the opportunity to present oral argument to the Prehearing Officer or the Commission, as applicable, with respect to its Response and Memorandum Of Law In Opposition To Florida Power & Light Company's Motion to Dismiss The Petition, its Response and Memorandum Of Law In Opposition to Florida Power Corporation's Suggestion Of Lack Of Jurisdiction And Motion to Dismiss The Petition, its Response In Opposition To Florida Power & Light Company's Petition For Leave to Intervene And Accompanying Memorandum Of Law, its Response In Opposition To Florida Power Corporation's Petition For Leave To Intervene And Accompanying Memorandum Of Law, and its Response In Opposition to Florida Power Corporation's Motion To Dismiss Calpine's Petition For Determination That Commission Rule 25-22.082(2), F.A.C. Does

APP _____
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SEP Handwritten _____
OTH _____

Not Apply To Calpine Or Alternative Request For Waiver Of Rule 25-22.082(2), F.A.C.

Oral argument would be appropriate because it will assist

the Commission and the Prehearing Officer in fully comprehending

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and making a fully informed decision on the complex issues presented by the pleadings involved here. More specifically, the standing issues posed with respect to FPL's and FPC's petitions to intervene are complex in light of the facts (1) that Calpine has specifically pled that its Osprey Energy Center Project will meet the needs of specific Florida retail-serving utilities in compliance with the non-final opinion of the Florida Supreme Court in Tampa Electric Co. v. Garcia, 25 Fla. L. Weekly S294, and (2) that neither FPL nor FPC has entered into a contract to purchase any of the Project's output.

The issues posed with respect to FPL's and FPC's motions to dismiss are likewise complex because they relate to the first petition for determination of need to come before the Commission since the issuance of the Florida Supreme Court's Tampa Electric v. Garcia opinion. Even though this opinion remains non-final by its own terms, Calpine has pled its case for an affirmative determination of need for the Osprey Energy Center in compliance with that opinion.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, based upon the foregoing, the Commission should grant oral argument on Calpine's pleadings as prayed herein.

Respectfully submitted this 17th day of July, 2000.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*), or U.S. Mail, on this 17th day of July, 2000, to the following:

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