

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**NOTICE OF NEED DETERMINATION PROCEEDING ON PROPOSED ELECTRICAL
POWER PLANT**

TO

CALPINE CONSTRUCTION FINANCE COMPANY, L.P.

AND

ALL OTHER INTERESTED PERSONS

DOCKET NO. 000442-EI

IN RE: PETITION FOR DETERMINATION OF NEED FOR THE OSPREY ENERGY
CENTER BY CALPINE CONSTRUCTION FINANCE COMPANY, L.P.

ISSUED: August 23, 2000

NOTICE is hereby given that the Florida Public Service Commission will hold a hearing in the above docket at the time and place listed below. All persons who wish to be heard are urged to be present at the beginning of the hearing on Wednesday, October 18, 2000.

10:00 a.m., Wednesday, October 18, 2000
Commission Hearing Room 148
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

Thursday, October 19, and Friday, October 20, 2000, have also been reserved for continuation of the hearing, if necessary. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

Any person requiring some accommodation at the hearing or the prehearing conference because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing or prehearing conference. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

10350 AUG 23 8

FESC-RECORDS-REPORTING

PURPOSE AND PROCEDURE

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Sections 403.501-519, Florida Statutes, for the construction of a power plant and related facilities in Polk County, Florida. This proceeding shall allow Calpine Construction Finance Company, L.P., to present evidence and testimony in support of its petition for a determination of need for its proposed plant and related facilities in Polk County, Florida; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes, Section 403.519, Florida Statutes, and Chapters 25-22 and 28-106, Florida Administrative Code.

Under Section 403.519, the Commission is the sole forum for the determination of need for the electrical power plant and associated facilities. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost effective alternative available. The Commission must also expressly consider the conservation measures taken by or reasonably available to the applicants or its members which might mitigate the need for the proposed plant and other matters within the jurisdiction which it deems relevant. The Commission's determination of need for the Polk County facility shall create a presumption of public need and necessity and shall serve as the Commission's report required by Subsection 403.507(2)(a)(2), Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the power plant will be heard at the October 18-20, 2000, hearing. Separate public hearings will be held before the Division of Administrative Hearings on a separate date to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present

testimony regarding the need for the proposed plant and associated facilities. All members of the public who wish to offer testimony should be present at the beginning of the hearing. All witnesses will be sworn in and will be subject to cross-examination at the conclusion of their testimony.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Blanca S Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870
Re: Docket No. 000442-EI

Anyone wishing to become a party to the need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code with the Director of the Commission's Division of Records and Reporting at the address listed above. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

GENERAL LOCATION AND PROJECT DESCRIPTION

The proposed electrical power plant is estimated to produce 527 MW of net generating capacity. The proposed plant is to be located in the City of Auburndale, Polk County, Florida. The Project site is located on approximately 19.5 acres situated approximately 1.5 miles southwest of downtown Auburndale and approximately 37 miles east of Tampa Bay. The proposed unit consists of two combustion turbine generators that include duct-firing capability, and one steam turbine generator, that has the

ability to utilize steam for power augmentation to increase output, and associated facilities. The proposed plant is estimated to commence commercial operation in the second quarter of 2003.

PREHEARING CONFERENCE

A prehearing conference will be held at the following time and place:

1:30 p.m. - 5:00 p.m., Monday, September 25, 2000
Commission Hearing Room 148
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The purpose of this prehearing conference will be to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

JURISDICTION

Jurisdiction over this matter is vested in the Commission by Sections 403.519, Florida Statutes.

APPLICATION

A copy of the Petition for Determination of Need and supporting exhibits is available for public inspection during normal business hours at the following location:

Florida Public Service Commission
Division of Records and Reporting
4075 Esplanade Way
Room 110 - Betty Easley Conference Center
Tallahassee, Florida

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By DIRECTION of the Florida Public Service Commission this
23rd day of August, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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