

MOYLE, FLANIGAN, KATZ, RAYMOND & SHEEHAN, P.A.
ATTORNEYS AT LAW

The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Telephone: (850) 681-3828
Facsimile: (850) 681-8788

ORIGINAL

JON C. MOYLE, JR.
E-mail: jmoylejr@moylslaw.com

November 2, 2000

West Palm Beach Office
(561) 659-7500

By Hand Delivery

Bob Elias, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Petition for Determination of Need for an Electrical Power Plant
in Okeechobee County by Okeechobee Generating Company, L.L.C.
Docket No. 991462-EU**

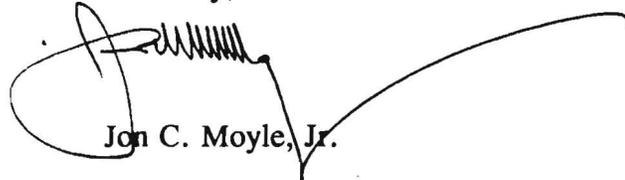
Dear Bob:

Enclosed is a courtesy copy of a Motion to Abate which I have filed on behalf of Okeechobee Generating Company. This Motion is similar to the one filed on October 25, 2000 by Duke Energy/St. Lucie County in Docket No. 000612.

To follow up on our previous discussions, I would ask that this matter be deferred from the November 7, 2000 Agenda Conference for the following reasons: 1) to allow for further discussions with the other parties regarding abatement of this case; 2) to put the Okeechobee case procedurally in the exact posture as the Duke/St. Lucie case; and 3) to allow an opportunity for Florida Power & Light and Florida Power Corporation to respond to the Motion to Abate.

If you have any questions or need any additional information, please let me know.

Sincerely,



Jon C. Moyle, Jr.

APP _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
LEG _____
OPC _____
PAI _____
RGO _____
SEC _____
SER _____
OTH _____

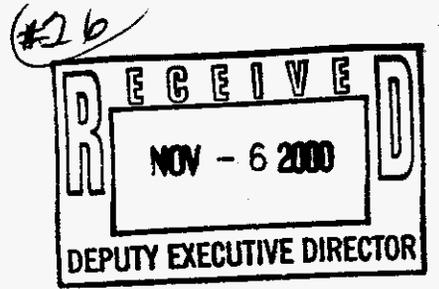
JCM/jd
Enclosure

cc: Bill Berg (w/enclosure)
All counsel of record

DOCUMENT NUMBER-DATE

14341 NOV-68

FPSC-RECORDS/REPORTING



MEMORANDUM

November 6, 2000

TO: MARY BANE, DEPUTY EXECUTIVE DIRECTOR/TECHNICAL

FROM: DIVISION OF SAFETY AND ELECTRIC RELIABILITY (HAFF, *MHA*)
 BREMAN, GOAD, FUTRELL, COLSON *MT WAM*
 DIVISION OF LEGAL SERVICES (C. KEATING, STERN, ISAAC) *MKS*
 DIVISION OF ECONOMIC REGULATION (LESTER) *PL*
 DIVISION OF COMPETITIVE SERVICES (MAKIN) *PL* *RUE*
JDJ

RE: DOCKET NO. 991462-EI - 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.

A recommendation was filed for the above-referenced dockets on October 26, 2000. For the reasons discussed below staff requests that a decision on the recommendation be deferred from the November 7, 2000, Agenda Conference, to the November 28, 2000, Agenda Conference.

Staff recommended that the Commission dismiss the need determination petitions for failure to state causes of action under the current law. Since staff filed the recommendation, the affected parties filed Motions to Abate the proceedings in Dockets 991462-EU, 000288-EU, and 000289-EU. By letters dated November 2, 2000, the parties also requested that the Commission defer Item 26 to the November 28, 2000, Agenda Conference, when the Commission will hear Duke Energy's Motion to Abate. To allow staff time to review these motions and include them in the recommendation, staff recommends the requests to defer Item 26 be granted.

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- EGR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC I
- SER _____
- OTH _____

RNI

Recommend Approval
MAB
ok *WBB* *10/6/00*

DOCUMENT NUMBER-DATE

14341 NOV-68

FPSC-RECORDS/REPORTING

SUZANNE BROWNLESS, P. A.

ATTORNEY AT LAW

1311-B Paul Russell Road, Suite 201

Tallahassee, Florida 32301

ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAWTELEPHONE (850) 877-8200
TELECOPIER (850) 878-0090

November 2, 2000

VIA FAX and U.S. MAILBob Elias, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850RE: Docket No. 000288-EU - Petition for determination of need
for electrical power plant in Lake County by Panda
Leesburg Power Partners, L.P.Docket No. 000289-EU - Petition for determination of need
for electrical power plant in St. Lucie County by Panda
Midway Power Partners, L.P.

Dear Bob:

As we discussed Panda Leesburg and Panda Midway filed Motions to Abate yesterday similar to the motions to abate which have been filed by Okeechobee Generating Company, L.L.C. (OGC) (Docket No. 991462-EU) and Duke Energy St. Lucie, L.L.C. (Docket No. 000612-EU).

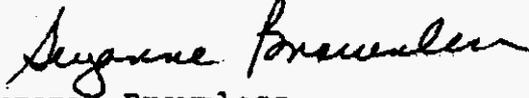
It is my understanding that OGC has requested that Item No. 26 on Tuesday, November 7, 2000 agenda regarding the dismissal of OGC's and Panda's need determination petitions be deferred. Panda supports this request and would ask that Item No. 26 be deferred until the November 28, 2000 agenda and consolidated with consideration of Panda's motions to abate.

It is my understanding that Duke Energy's motion to abate will be considered by the Commission at its November 28th agenda. All of these need determination dockets are procedurally in the same posture and all have essentially alleged the same facts in support of their respective motions to abate. It only makes sense that all of the motions to abate should be considered together along with all associated motions to dismiss based on the Florida Supreme Court TECO case. In sum, a deferral will allow the Commission to consider these cases together and will allow the Commission Staff time to draft a comprehensive recommendation which addresses all similar need determination dockets with regard to the TECO decision and the Energy 2020 Study Commission.

Bob Elias, Esq.
November 2, 2000
Page 2

If you have any questions or need any additional information,
please contact me.

Very truly yours,



Suzanne Brownless

c: 3260

cc: Steve Crain, P.E.
Steve Rizzeri, Esq.