

ORIGINAL

M E M O R A N D U M

DECEMBER 21, 2000

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (R. ISAAC) *RUE*

RE: DOCKET NO. 001748 - PETITION FOR DETERMINATION OF NEED FOR THE OSPREY ENERGY CENTER IN POLK COUNTY BY SEMINOLE ELECTRIC COOPERATIVE AND CALPINE CONSTRUCTION FINANCE COMPANY, L.P.

Attached is the original and seven copies of Staff's Preliminary List of Issues and Positions to be issued in the above-referenced docket. (Number of pages 4)

RNI/jb
 Attachment
 I: 001748.iss
 wp 6.1

APP _____
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 COM 5 _____
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 SEC 1 _____
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DOCUMENT NUMBER - DATE

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FPSC-RRR-DCR/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
determination of need for the
Osprey Energy Center in Polk
County by Seminole Electric
Cooperative and Calpine
Construction Finance Company,
L.P.

DOCKET NO. 001748-EC
FILED: DECEMBER 21, 2000

STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS

Pursuant to the Order Establishing Procedure entered in this docket, the Staff of the Florida Public Service Commission hereby files its Preliminary List of Issues.

Issue 1: Are Seminole Electric Cooperative, Inc. and Calpine Construction Finance Company, L.P., "applicants" within the meaning of Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

Issue 2: Is the output of the proposed Osprey Energy Center fully committed for use by Florida customers who purchase electrical power at retail rates as recorded by the Florida Supreme Court in Tampa Electric Co. et al. v. Garcia, 25 Fla. L. Weekly S294 (April 20, 2000)?

Position: Staff takes no position at this time, pending discovery.

Issue 3: Is there a need for the proposed Osprey Energy Center, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

Issue 4: Is there a need for the proposed Osprey Energy Center, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS
DOCKET NO. 001748-EC
PAGE 2

Issue 5: Do the requirements of Rule 25-22.082, Florida Administrative Code, "Selection of Generating Capacity," apply to Seminole Electric Cooperative, Inc.?

Position: Staff takes no position at this time, pending discovery.

Issue 6: Is the proposed Osprey Energy Center the most cost-effective alternative available, as this criterion is used in Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

Issue 7: Are there any conservation measures taken by or reasonably available to Seminole Electric Cooperative, Inc. which might mitigate the need for the proposed power plant, as this criterion is used in Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

Issue 8: Has Calpine Construction Finance Company, L.P., secured adequate natural gas transportation to the proposed facility?

Position: Staff takes no position at this time, pending discovery.

Issue 9: Based on the resolution of the foregoing issues, should the Commission grant the petition to determine the need for the proposed Osprey Energy Center?

Position: Staff takes no position at this time, pending discovery.

Issue 10: Should this docket be closed?

Position: Staff takes no position at this time, pending discovery.

STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS
DOCKET NO. 001748-EC
PAGE 3

Dated this 21st day of December, 2000.

Respectfully submitted,

Rachael Isaac

Rachael Isaac
Staff Counsel

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RNI

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In re: Petition for
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
list of STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS has been
furnished to the following by U.S. Mail this 21st day of December,
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