

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: January 16, 2001

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-00-2413-PCO-EC, issued December 18, 2000, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None.

b. All Known Exhibits

- 1) Calpine's responses to Staff's Interrogatories.
- 2) Any documents produced in response to Staff's Request for Production.
- 3) Affidavit of Publication of Notice in The Ledger.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the 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: No position pending responses to Staff discovery and evidence adduced at hearing.

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ISSUE 2: Is the output of the proposed Osprey Energy Center fully committed for use by Florida retail electric customers in compliance with the Florida Supreme Court's decision in Tampa Electric Co. et. al. v. Garcia, 25 Fla. L. Weekly S294 (April 20, 2000)?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 3: Is the Osprey Energy Center needed, taking into account Seminole Electric Cooperative's need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 4: Is the Osprey Energy Center needed, taking into account Seminole Electric Cooperative's need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 5: Is the proposed Osprey Energy Center the most cost-effective alternative available to meet the needs of Seminole Electric Cooperative, Inc., as this criterion is used in Section 403.519, Florida Statutes?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 6: Are there any conservation measures taken by or reasonably available to Calpine Construction Finance Company, Seminole Electric Cooperative, or Seminole's members that might mitigate the need for the proposed power plant, as this criterion is used in Section 403.519, Florida Statutes?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 7: Has Calpine Construction Finance Company, L.P., provided adequate assurances regarding fuel supply and delivery for the proposed Osprey Energy Center?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 8: Are there likely to be any adverse consequences on Seminole Electric Cooperative and those it serves if the Osprey Energy Center is not constructed and brought into commercial operation as scheduled and on budget?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

ISSUE 9: Based on the resolution of the foregoing issues, should the Commission grant Seminole Electric Cooperative, Inc. and Calpine Construction Finance Company, L.P.'s joint petition for determination of need for the Osprey Energy Center?

Position: No position pending responses to Staff discovery and evidence adduced at hearing.

e. Pending Motions

Motion for Leave to File Amended Joint Petition for Determination of Need for an Electrical Power Plant, filed January 8, 2001.

f. Compliance with Order No. PSC-00-2413-PCO-EC

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

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Respectfully submitted this 16th day of January, 2001.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one true and correct copy of Staff's Prehearing Statement has been furnished by U. S. Mail this 16th day of January, 2001, to the following:

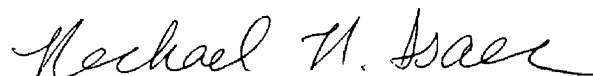
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