

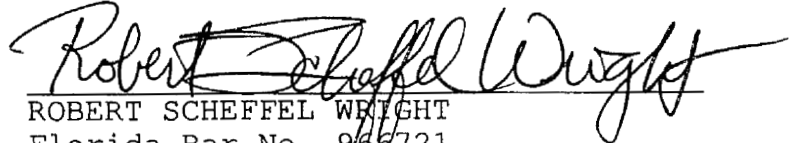
negotiated firm capacity and energy contract. The Facility presently has the capability to export more than 43 MW of firm capacity and energy. Upon the expiration of its contract with Florida Power, Montenay and Miami-Dade County will evaluate all options for selling the Facility's output to Florida utilities, including potential sales pursuant to standard offer contracts of Florida's public utilities. The proposed rule amendments will adversely affect Montenay's and Miami-Dade County's interests by abrogating the rights of Montenay and the County (and the rights of other qualifying facilities) under Section 366.051, Florida Statutes, and also under the federal Public Utility Regulatory Policies Act of 1978, to enter into contracts to sell the Facility's power to public utilities at those utilities' full avoided cost. The proposed amendments also discriminate against Montenay and Miami-Dade County (and other QFs) in violation of Section 366.81, Florida Statutes, which is part of the Florida Energy Efficiency and Conservation Act.

Moreover, as retail-level customers of a Florida public utility, Montenay and Miami-Dade County are concerned that the proposed amendments will likely result in increased economic risk and cost burdens being imposed on Montenay, on Miami-Dade County, and on other retail customers of Florida public utilities.

For the foregoing reasons, Montenay and Miami-Dade County respectfully oppose the proposed amendments and request a public hearing for the purposes of presenting to the Commission evidence

and argument supporting its position and for questioning the persons responsible for preparing the proposed rule amendments, as provided by Sections 120.54(3)(c)1. & 120.54(2)(c), Florida Statutes, and by Rule 28-103.004(5)&(6), F.A.C.

Respectfully submitted this 11th day of October, 2001.



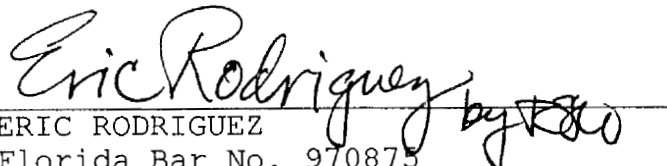
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*), or U.S. Mail, on this 11th day of October, 2001, to the following:

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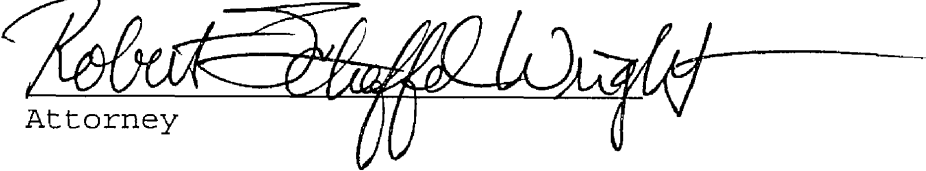
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