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ENERGY REGULATORY LAW

VIA FEDERAL EXPRESS

October 11, 2001

Ms. Blanca S. Bayó, Director
Division of Records & Reporting
Florida Public Service Commission
Capitol Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

In Re: FPSC Docket No. 001574-EQ
Proposed Amendment To Rule 25-17.0832, F.A.C.

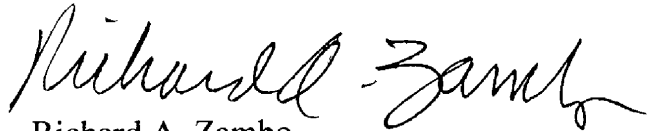
Dear Ms. Bayó,

Enclosed for filing in the above captioned proceeding, please find the original and 8 copies of "The City Of Tampa's Request For Public Hearing".

Please "date stamp" one of the copies and return it to this office in the enclosed self-addressed, stamped envelope.

If you have any questions regarding this filing, please do not hesitate to call. Thank you for your assistance.

Sincerely,



Richard A. Zambo
Florida Bar No. 312525

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Amendments To Rule)
25-17.0832, FAC, Firm Capacity And)
Energy Contracts.)
_____)

Docket No. 001574-EQ

Submitted for filing:
October 11, 2001

THE CITY OF TAMPA’S REQUEST FOR PUBLIC HEARING

The City of Tampa (the “City”), by and through its undersigned attorney and in accordance with Commission Order PSC-01-1844-NOR-EQ, Section 120.54(3)(c)1., F.S., and Rule 28-103.004, F.A.C., hereby submits its timely request for public hearing on the proposed amendments which are the subject of the captioned proceeding and the referenced Order. As grounds therefore the City states:

1. The City owns a “municipal solid waste facility” located in Hillsborough County, Florida. Such facilities are defined by Commission rule 25-17.091 as a small qualifying facility (“SQF”)¹ eligible for Standard Offer Contracts pursuant to applicable Commission rules.
2. Applicable Commission rules require utilities to file and maintain Standard Offer Contracts to be made available to SQFs.
3. Florida and Federal law mandate that such Standard Offer Contracts provide for payment by the purchasing utility of “full avoided cost” for all electric energy and capacity sold by the SQF to the utility.²
4. The rule amendments proposed by the Commission in this proceeding would, in contravention of the reference applicable law, result in payment of far less than full avoided cost to the financial detriment of the City and its customers, including the residents of Tampa, Florida.
5. The City particularly objects to those provisions of the proposed amendment which would change the length (or term) of the Standard Offer Contract to a

¹ The City’s facility is the type of facility described by rule 25-17.0832(4)(a), FAC, which are eligible for Standard Offer Contracts, and is also a Qualifying Facility under Federal law.

² §366.051, Florida Statutes, and Section 210 of the Public Utility Regulatory Policies Act of 1978.

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minimum of 5 years and allow the utility – rather than the SQF - to specify the maximum Contract length (or term) .³

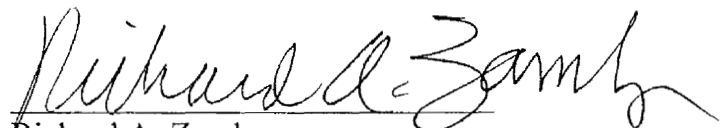
6. Absent conforming changes to the methodology and/or formula by which capacity payments are calculated, the proposed rule amendment would unlawfully mandate and legitimize Standard Offer Contracts which fail to meet the statutory decree that SQFs be paid full avoided cost – all to the great detriment of and financial harm to the City and the citizens it serves.

7. The Commission is required to conduct a public hearing in this matter because the proposed rule amendment does not relate exclusively to practice or procedure, and the City – clearly an affected person within the intent of applicable law – has hereby timely submitted this written request for public hearing.

Wherefore, the City hereby respectfully requests that the Commission schedule a public hearing in the above captioned matter as provided by applicable rules, statutes and order first referenced above.

October 11, 2001

Respectfully Submitted,


Richard A. Zambo
Florida Bar No. 312525

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Attorney for: City of Tampa

³ Current rules call for a minimum contract term of 10 years, and a maximum contract term equal to the useful life of the avoided unit on which the standard offer is based – at the option of the SQF. Only if the length of the standard offer is equal to the useful life of the avoided unit will the SQF be able to receive full avoided cost.