

ORIGINAL

MCWHIRTER REEVES
ATTORNEYS AT LAW

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602
P. O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 FAX

May 20, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
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Tallahassee, Florida 32399-0870

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COMMISSION CLERK

Re: Docket Nos. ~~020262~~ and 020263

Dear Ms. Bayo:

On behalf of Reliant Energy Power Generation, Inc., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Reliant Energy Power Generation, Inc.'s Comments on Florida Power and Light Company, Inc.'s Emergency Request for Waiver

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,



Joseph A. McGlothlin

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Enclosure

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of Florida Power & Light Company for a determination of need for a power plant proposed to be located in Martin County.)
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DOCKET NO. 020262-EI

IN RE: Petition of Florida Power & Light Company for a determination of need for a power plant proposed to be located in Martin County.)
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DOCKET NO. 020263-EI

**RELIANT ENERGY POWER GENERATION, INC.'S
COMMENTS ON FLORIDA POWER AND LIGHT COMPANY, INC.'S
EMERGENCY REQUEST FOR WAIVER**

As contemplated by Section 120.542 Florida Statutes and Rule 28-104.003, Florida Administrative Code, Reliant Energy Power Generation, Inc. ("Reliant"), through its undersigned counsel, hereby submits the following comments on Florida Power & Light Company's ("FPL") Emergency Request for a Waiver of the requirement in Rule 25-22.082, Florida Administrative Code, that the Commission conduct an evidentiary request on FPL's petitions for determinations of need that initiated these dockets within 90 days of the filing of those petitions.

The request for an emergency waiver of the 90-day requirement is related to FPL's "Emergency Motion to Hold Proceedings In Abeyance," which FPL filed on April 22, 2002. In conjunction with this pleading, FPL issued a revised Request For Proposals on April 26, 2002. FPL issued the revised RFP in response to assertions by Reliant and others that FPL's original August 2001 RFP failed to meet the requirements of Rule 25-22.082, F.A.C. Reliant had filed a complaint against FPL in Docket No. 020175-EI; Reliant and Calpine Energy Services, L.P. ("Calpine") jointly filed a Motion For Final Summary Order in the above dockets. The Complaint and the Joint Motion were pending at the time FPL submitted its Emergency Motion to Hold Proceeding In Abeyance.

Reliant favored the issuance of the revised RFP as the most time-efficient manner of addressing many of the issues that led to the filing of Reliant's Complaint and the Joint Motion of Calpine and Reliant. Accordingly, Reliant supports the granting of the waiver of the 90-day hearing requirement which FPL seeks through its emergency request.

Reliant is aware that CPV Cana, Ltd. and CPV Gulfcoast, Ltd. ("CPV"), in written comments, have advocated that the Commission couple several conditions to the granting of the waiver of the 90-day requirement. The CPV companies propose that, in granting the waiver, the Commission condition its action on a requirement that scoring of the responses to the revised RFP be done by an independent evaluator; that FPL be required to submit a bid to the independent evaluator; and that FPL be bound by that bid. While Reliant requested identical measures in the prayer for relief in its original Complaint, Reliant has regarded the waiver of the 90-day requirement as a procedural step separate and apart from substantive issues relating to the extent of needed RFP oversight. Accordingly, Reliant's support of the waiver is not conditioned on the imposition, at this point, of the substantive relief sought by Reliant. Reliant would point out that in Docket No. 020175-EI it has requested leave to amend its Complaint in light of the April 26 Revised RFP, and that the prayer of its proposed Amended Complaint seeks certain measures similar to those advocated by CPV. Moreover, Reliant and other intervenors may raise or renew similar points in the instant determination of need dockets in the context of issues related to the evaluation of the new bids. Accordingly, if the Commission elects not to impose the conditions sought by CPV at this time, Reliant respectfully requests that the decision not prejudice the ability of Reliant and other parties to pursue related or similar issues that are pending or that may arise in these and related dockets.


Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin, Davidson, Decker,
Kaufman, Arnold & Steen, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Facsimile: (850) 222-5606
jmcglothlin@mac-law.com

Michael G. Briggs
Reliant Energy, Inc.
801 Pennsylvania Avenue, Suite 620
Washington DC 20004
Telephone: (202) 783-7220
Facsimile: 202)783-8127
mbriggs@reliant.com

Attorneys for Reliant Energy Power Generation, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Reliant Energy Power Generation, Inc.'s Comments on Florida Power and Light Company's Request for Waiver, was on this 20th day of May 2002, served via (*) Hand delivery and U.S. Mail to the following:

(*)Mary Ann Helton
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

(*) Martha Brown
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Jack Shreve
Office of Public Counsel
c/o Florida Legislature
111 West Madison Street, Room No. 812
Tallahassee, Florida 32301

(*)Charles A. Guyton
Steel, Hector & Davis
215 S. Monroe Street
Tallahassee, Florida 32301

Bill Walker
215 S. Monroe Street, Suite 810
Tallahassee, Florida 32301

Suzanne Brownless
Suzanne Brownless, P.A.
1311-B Paul Russell Road, Suite 201
Tallahassee, FL 32301

Jon C. Moyle, Jr.
Cathy M. Seller
Moyle, Flanigan, Katz
118 North Gadsden Street
Tallahassee, FL 32301

John T. Butler
Steel Hector & Davis LLP
200 S. Biscayne Blvd., Suite 4000
Miami, Florida 33131-2398

R. Wade Litchfield
Florida Power & Light Company
700 Universe Boulevard
Miami, Florida 33131-2398

D. Bruce May, Jr.
Karen D. Walker
HOLLAND & KNIGHT LLP
P.O. Drawer 810
Tallahassee, FL 32302

Carol A. Licko
HOGAN & HARTSON, LLP
Barclays Financial Center
1111 Brickell Avenue, Suite 1900
Miami, Florida 33131

Bonnie Davis
Florida Power & Light Company
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301


Joseph A. McGlothlin