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COGENERATION & ALTERNATIVE ENERGY
ENERGY REGULATORY LAW

VIA HAND DELIVERY

February 17, 2004

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

RECEIVED FPSC
FEB 17 AM 8:57
COMMISSION
CLERK

In re: **FPSC Docket No. 031093-EQ**
Petition of Florida Power & Light Company
for Approval of Standard Offer Contract

Dear Ms. Bayó,

Enclosed for filing in the above captioned Docket please find the original and 7 copies of the "Comments of Florida Industrial Cogeneration Association".

If you have any questions regarding this filing, or require additional information, please do not hesitate to contact this office.

Sincerely,

RECEIVED & FILED

Oh

FPSC-BUREAU OF RECORDS

Richard A. Zambo
Richard A. Zambo

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GCL _____
OPC _____
MMS _____
SEC _____
OTH *Kim Peña*

DOCUMENT NUMBER-DATE

02182 FEB 17 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition of Florida Power)
& Light Company for Approval)
of Standard Offer Contract)**

Docket No. 031093-EQ

Filed: February 17, 2004

Comments of
Florida Industrial Cogeneration Association

The Florida Industrial Cogeneration Association ("FICA), by and through its undersigned attorney, files these comments regarding certain aspects of Florida Power and Light Company's proposed standard offer contract, in the captioned proceeding.

1 FICA's members own and/or operate qualifying facilities, as defined under Florida and Federal law, which use Florida renewable energy resources to produce electricity.

2. FICA's members produce electricity from Florida renewable energy in the form of waste heat recovered in industrial manufacturing operations.

3 Florida renewable energy resources provide a number of unique, beneficial environmental and other attributes, in addition to the production of electricity

4. Florida Power & Light Company (FPL), by virtue of new language contained in Section 4.2 of its proposed Standard Offer Contract, seeks Commission acquiescence to FPL taking – without compensation - from any QF accepting such Standard Offer Contract, “. . . the benefits of any environmental attributes associated with the QF or the Facility. . .”.

DOCUMENT NUMBER-DATE

02182 FEB 17 3

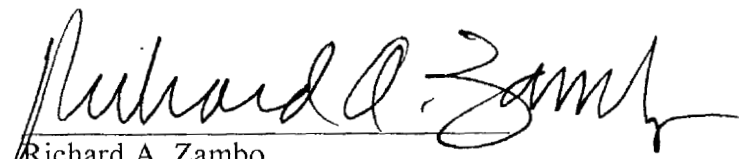
FPSC-COMMISSION CLERK.

5. FPL's proposal is contrary to Florida and Federal law, as well as existing and developing Florida energy policy regarding renewable sources of energy

6. FICA agrees with Commission Staff's conclusion that this aspect of FPL's proposal is unreasonable and urges the Commission to adopt Staff's recommendation that FPL's proposed Standard Offer Contract and associated tariffs should not be approved as filed

WHEREFORE, FICA urges the Commission to reject in total the above-referenced provisions contained in Section 4.2 (including any related provision of similar import which may appear elsewhere within the documents) of FPL's proposed Standard Offer Contract.

Respectfully submitted for filing on the 17th day of February, 2004.


Richard A. Zambo
Florida Bar No. 312525

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