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Tallahassee  
August 20, 1990

ORIGINAL  
FILE COPY

VIA HAND DELIVERY

Mr. Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 E. Gaines Street  
Tallahassee, Florida 32301

Re: Hearings on Load Forecasts, Generation  
Expansion Plans, and Cogeneration Prices  
for Peninsular Florida's Electric  
Utilities, Docket No. 880812-TP

900004-EL

Dear Mr. Tribble:

Enclosed for filing in the docket referenced above are  
the original and 15 copies of Consolidated Minerals, Inc.'s  
Petition to Intervene, and the original and 15 copies of  
Consolidated Minerals, Inc.'s Memorandum in Response to  
Motions for Clarification of Order No. 23235. Also enclosed  
is an additional copy of each filing to be date stamped by  
you and returned to our office.

Thank you for your consideration in this matter.

Sincerely,

HOLLAND & KNIGHT

*[Signature]*  
D. Bruce May

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG
- LEG LW/m
- LIN 6
- OPC
- RCH
- SEC
- WAS
- OTH

Enclosure  
DBM/sms

cc: All parties of record  
Roy Mims, General Counsel  
Mr. Charles Bush  
Richard B. Stephens, Jr., Esquire

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

CMI L0820:162 *Memorandum*  
DOCUMENT NUMBER-DATE  
07525 AUG 20 1990  
FPSC-RECORDS/REPORTING

*Petition*  
DOCUMENT NUMBER-DATE  
07524 AUG 20 1990  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Hearings on Load Forecasts,  
Generation Expansion Plans and Docket No. 900004-EU  
Cogeneration Prices for Peninsular FILED: August 20, 1990  
Florida's Electric Utilities.

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**PETITION TO INTERVENE OF  
CONSOLIDATED MINERALS, INC.**

Petitioner, Consolidated Minerals, Inc. ("CMI"), seeks leave to intervene in the proceeding referenced above. CMI requests intervention pursuant to Section 120.52(12)(c), Florida Statutes (1989), and Florida Administrative Code Rule 25-22.039. In support of the petition, CMI states:

**AFFECTED AGENCY**

1. The agency affected by this petition is the Florida Public Service Commission ("Commission") located at:

101 E. Gaines Street  
Tallahassee, Florida 32301

**PETITIONER**

2. The name and business address of Petitioner is:

Consolidated Minerals, Inc.  
P.O. Box 490300  
Leesburg, Fl. 34749-0300

3. The name and address of the attorneys representing Petitioner are:

D. Bruce May  
Holland & Knight  
315 S. Calhoun St.  
P.O. Drawer 810  
Tallahassee, FL 32301  
(904) 224-7000

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DOCUMENT NUMBER-DATE

07524 AUG 20 1990

FPS-RECORDS/REPORTING

#### BACKGROUND

4. Petitioner is the owner of large phosphate reserves located on approximately 17,000 acres in DeSoto County, Florida and is developing an integrated mining, manufacturing and cogeneration facility on that tract. Approximately 450 acres of the tract have been designated for a proposed cogeneration facility -- the Pine Level Cogeneration Facility -- with a capacity of 475 MWs. To date, Petitioner has invested over \$25 million in developing that cogeneration project.

5. On May 25, 1990, the Commission reconsidered its previous decision in Order No. 22341 and voted to designate as the next statewide avoided unit a 500 MW coal-fired unit with an in-service date of January 1, 1996. The Commission also voted to open a new standard offer based on the new avoided unit and established, on a going-forward basis, the capacity subscription limit for cogeneration and small power production facilities at 500 MWs. The order memorializing this vote -- Order No. 23234 -- was issued in this docket on July 23, 1990.

6. On May 25, 1990, the Commission also voted to establish an industry-wide policy to prioritize qualifying facility contracts (both negotiated and standard offer) under the subscription limit. This vote was memorialized in Proposed Agency Action Order No. 23235, also issued in this docket on July 23, 1990.

7. Order No. 23234 and Order No. 23235 collectively affect how cogeneration contracts are to be prioritized under the subscription limit and how energy and capacity payments to cogenerators are to be set.


**FACTS DEMONSTRATING THAT PETITIONER'S  
SUBSTANTIAL INTERESTS WILL BE AFFECTED**

8. On June 6, 1990, CMI executed FPL's standard offer contract and in so doing committed to provide 475 MWS of capacity to FPL as of January 1, 1996.

9. Petitioner, as a cogenerator and signatory to FPL's standard offer contract, will necessarily be substantially affected by the orders and subsequent decisions in this docket which, as set forth in Paragraph 7, directly affect the viability of the CMI cogeneration project either through establishing the relative priority of cogeneration contracts or setting the level of energy and capacity payments to cogenerators.

WHEREFORE, CMI respectfully requests that the Commission enter an order granting it leave to intervene as a party in this docket with all rights and privileges attendant thereto.

Respectfully submitted,

  
\_\_\_\_\_  
D. Bruce May  
HOLLAND & KNIGHT  
P.O. Drawer 810  
Tallahassee, FL 32302  
(904) 224-7000  
Attorneys for Consolidated  
Minerals, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to the following this 20th day of August, 1990.

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