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September 16, 1994

BY HAND-DELIVERY

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
101 E. Gaines Street, Fletcher Bldg.
Tallahassee, Florida 32399-0863

RE: Petition for Approval, to the Extent Required, of
Certain Actions Relating to Approved Cogeneration
Contracts by FPC.
Docket No. ~~940797-EQ~~

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the
original and fifteen (15) copies of Dade County's and Monteny-
Dade, Ltd.'s Motion to Dismiss and Request for Oral Argument.

Also enclosed is a 3.5 inch diskette containing the above-
referenced document in Word Perfect format.

- ACK _____
- AFA _____ Please acknowledge receipt and filing of the above by stamping
- APP _____ the enclosed duplicate copy and returning the same to my attention.
- CAF _____ Thank you for your assistance in this matter.
- CMU _____
- CTR _____
- EAD _____ *Shane*
- LEG _____ *Elis*
- LIN 6
- OPC 1 RSW/dc
- RCH _____ Enclosures
- SEC 1
- WAS _____
- OTH _____

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Mac
EPSC-BUREAU OF RECORDS

Sincerely,
Robert Scheffel Wright
Robert Scheffel Wright

Motion Dismiss
DOCUMENT NUMBER-DATE
09565 SEP 16 1994
FPSC-RECORDS/REPORTING

Oral Argument
DOCUMENT NUMBER-DATE
09566 SEP 16 1994
FPSC-RECORDS/REPORTING

ORIGINAL
FILE COPY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval,)
to the Extent Required, of Certain)
Actions Relating to Approved)
Cogeneration Contracts by)
Florida Power Corporation)

Docket No. 940797-EQ
FILED: September 16, 1994

DADE COUNTY'S AND MONTENAY-DADE, LTD.'S
REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 25-22.048, Florida Administrative Code, DADE COUNTY and MONTENAY-DADE, LTD., file this request for oral argument on their motion to dismiss filed on this date. In support thereof, Dade County and Montenay-Dade, Ltd. state:

1. On March 13, 1991, Florida Power Corporation (FPC) and Dade County executed a Negotiated Contract for the Purchase of Firm Capacity and Energy from a Qualifying Facility (the "Contract"). The Contract was approved by the Commission by Order No. 24734, issued July 1, 1991, in Docket No. 910401-EQ.

2. On July 28, 1994, FPC filed a petition for approval, to the extent required, of certain actions by FPC in the course of its performance under Commission's approved cogeneration contracts. Dade County and Montenay were granted intervention on August 30, 1994, by Commission Order No. PSC-94-1068-PCO-EQ.

3. The fundamental issue raised in Dade County's and Montenay-Dade's motion to dismiss FPC's petition for declaratory statement is whether the Commission has the legal authority to approve certain actions taken by electric utilities in the course of their performance pursuant to Commission-approved cogeneration contracts.

DOCUMENT NUMBER-DATE

09566 SEP 16 1994

FPSC-RECORDS/REPORTING

4. Dade County's and Montenay-Dade's motion to dismiss raises significant and fundamental issues which could have broad ramifications for cogeneration in Florida. Oral argument would be extremely beneficial in aiding the Commission in comprehending and evaluating the issues before it.

WHEREFORE, Dade County and Montenay-Dade, Ltd. respectfully request that they be granted oral argument on their motion to dismiss.

Gail P. Fels by [Signature]

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Counsel for Dade County and
Montenay-Dade, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 16th day of September, 1994:

James A. McGee
Florida Power Corp.
3201 34th Street
P.O. Box 14042
St. Petersburg, FL 33733-4042

Orange Cogen Limited
c/o Ark/CSW Development
Partnership
23293 South Pointe Drive
Laguna Hills, CA 92653

NationsBank of Florida, N.A.
600 Peachtree Street, NE
Atlanta, GA 30308

GECC
1600 Summer Street
Stamford, CT 06927

TIFD-C, INC.
c/o GECC
1600 Summer Street, 6th Floor
Stamford, CT 06927
Attn: Manager, Energy Portfolio
Admin.

Lake Cogen, Ltd.
1551 N. Tustin Avenue, Suite 900
Santa Ana, CA 92701

Mr. Macauley Whiting, Jr.
Ridge Generating Station
400 North New York Ave., Suite 101
Winter Park, FL 32789

Wheelabrator Ridge Energy
3131 K-Ville Avenue
Auburndale, FL 33823

Mr. Jerome L. Glazer
Auburndale Power Partners
12500 Fair Lakes Circle, Suite 420
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Mr. Don Fields
Executive Director
Auburndale Power Partners
1501 Derby Avenue
Auburndale, FL 33823

Mr. Roger Fernandez
Cargill Fertilizer, Inc.
8813 Highway 41 South
Riverview, FL 33569

Bankers Trust Company
Four Albany Street
New York, NY 10015
Attn: Corporate Trust & Agency Group

The Prudential Insurance Company
of America
Three Gateway Center
Newark, NJ 07102-4077
Attn: Asset Unit/IAU Management

Dade Power Incorporated
1551 N. Tustin Avenue, Suite 900
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The Prudential Insurance Company
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Four Gateway Center
Newark, NJ 07102-4069
Attn: Project Management Team

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220 East Madison Street, Suite 526
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Attn: Elliott White

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Houston, TX 77042

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Mr. Wayne A. Hinman, President
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ROBERT SCHEFFEL WRIGHT