

CONFIDENTIAL
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power Corporation for Determination That Its Plan for Curtailing Purchases from Qualifying Facilities in Minimum Load Conditions is Consistent With Rule 25-17.086, F.A.C.)	DOCKET NO. 941101-EQ
)	FILED: October 28, 1994

PETITION OF LAKE COGEN, LTD. FOR LEAVE TO INTERVENE AND FOR EVIDENTIARY HEARING

Lake Cogen, Ltd. ("Lake Cogen," "Lake"), pursuant to Commission Rule 25-22.039, Florida Administrative Code, petitions the Commission for leave to intervene as a party in the above-styled docket, and for an evidentiary hearing pursuant to Section 120.57(1), Florida Statutes. In support of its petition to intervene, Lake Cogen states as follows:

ACK 1. The name and mailing address of Lake Cogen are:

AFA _____ Lake Cogen, Ltd.

APP _____ c/o Energy Initiatives, Inc.

CAF _____ One Upper Pond Road

CIJ _____ Parsippany, New Jersey 07054

CT? _____ 2. The names and mailing addresses of the persons authorized to receive notices, orders, and other communications

LEG Brown in this proceeding and with respect to this petition are:

_____	Robert Scheffel Wright	Kelly A. Tomblin, Esquire
_____	LANDERS & PARSONS	Director - Legal and
_____	310 West College Avenue	Corporate Affairs
_____	Post Office Box 271	Energy Initiatives, Inc.
_____	Tallahassee, Florida 32302	One Upper Pond Road
_____		Parsippany, NJ 07054

Original for deliveries by hand and by courier service, the ZIP Code for 310 West College Avenue is 32301.

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FPSC-RECORDS/REPORTING

3. Lake Cogen owns and operates a 112 MW gas-fired cogeneration facility (the "Lake Facility") in Umatilla, Lake County, Florida, and sells firm capacity and energy from the facility to FLORIDA POWER CORPORATION ("Florida Power," "FPC") pursuant to that certain Negotiated Contract For The Purchase Of Firm Capacity And Energy From A Qualifying Facility between Lake Cogen and FPC dated March 13, 1991 (the "Contract"). Thermal energy produced by the Lake Facility is sold, in the form of steam, to Golden Gem Growers, Inc. for use in its citrus processing plant. Lake Cogen is a "qualifying facility" or "QF" as contemplated by the applicable rules of the Florida Public Service Commission (the "Commission") and the Federal Energy Regulatory Commission (the "FERC"). The Contract was approved by Commission Order No. 24734, issued on July 1, 1991 in Docket No. 910401-EQ.

4. Florida Power's petition in this docket requests the Commission's determination that FPC's Generation Curtailment Plan for Minimum Load Conditions (the "Curtailment Plan") is consistent with and permitted under Commission Rule 25-17.086, F.A.C. In its petition, FPC claims that circumstances justifying curtailment of purchases from QFs may or will occur. The Commission is responsible for verifying that claim pursuant to its rules and to the rules of the U.S. Federal Energy Regulatory Commission. Fla. Admin. Code § 25-17.086 (1993); 18 CFR § 292.304(f)(4) (1993).

5. The Commission's actions with respect to FPC's petition for approval of its Curtailment Plan will directly affect the substantial interests of Lake Cogen in that such Commission actions may or will determine when, and under what circumstances, FPC may refuse to purchase electric energy from Lake pursuant to the Contract and the Commission's rules. Lake Cogen's substantial interests in selling power produced from the Lake Facility, as well as its rights to sell that power pursuant to state and federal law, will be affected by any such determination.

6. Lake Cogen believes that certain material issues of fact must be addressed before the Commission can render a determination on the propriety of FPC's Curtailment Plan. These include: the existence of minimum load conditions; the need to curtail purchases from QFs to avoid an excess generation condition; and the cost impacts that FPC can reasonably be expected to incur if it shuts down one of its baseload units during minimum load conditions rather than curtailing purchases from QFs to avoid an excess generation condition. Several mixed issues of fact, law, and policy must also be addressed in determining the validity of FPC's Curtailment Plan.

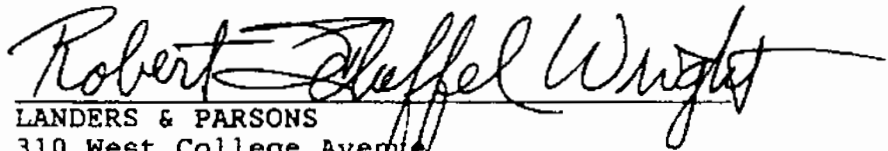
7. In view of the issues of fact, law, and policy that must be addressed in determining the validity of FPC's Curtailment Plan, Lake Cogen respectfully requests that the Commission set this matter for hearing pursuant to section 120.57(1), Florida Statutes.

WHEREFORE, LAKE COGEN prays the Commission to enter its Order granting this Petition for Leave to Intervene and directing that copies of all pleadings, notices, orders, and other communications filed, given, or entered herein be furnished to the persons named in Paragraph 2 hereof, and to set this matter for hearing pursuant to section 120.57(1), Florida Statutes.

Respectfully submitted this 28th day of October, 1994.

LAKE COGEN, LTD.
a Florida Limited Partnership

By: Robert Scheffel Wright, Esquire
Its Attorney


LANDERS & PARSONS
310 West College Avenue
Post Office Box 271
Tallahassee, Florida 32302

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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 28th day of October, 1994:

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