

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
COPY

In Re: Joint Petition for)
Approval of Standard Offer)
Contracts of FLORIDA POWER)
CORPORATION and AUBURNDALE)
POWER PARTNERS, LIMITED)
PARTNERSHIP)
_____ /

Docket No. 940819-EQ
Filed: November 17, 1994

**AUBURNDALE POWER PARTNERS, LIMITED PARTNERSHIP'S
REQUEST FOR ORAL ARGUMENT**

Auburndale Power Partners, Limited Partnership ("APP"), by and through undersigned counsel, pursuant to Rule 25-22.058, Florida Administrative Code, files this Request for Oral Argument on its Amended Emergency Motion to Dismiss Petition on Proposed Agency Action and Request for Costs and Attorneys Fees (the "Amended Emergency Motion") filed contemporaneously herewith. In support of its Request for Oral Argument, APP states:

1. On October 24, 1994, the Commission issued a Notice of Proposed Agency Action in this docket the subject of which is a Proposed Order Approving Contract Modifications, Order No. PSC-94-1306-FOF-EQ (the "Order"). The Order approves the Joint Petition for Expedited Approval of Contract Modifications filed by APP and Florida Power Corporation ("FPC") in this docket which involves the assignment of LFC No. 47 Corp.'s ("LFC"'s) Standard Offer Contracts to APP.

2. On November 14, 1994, Evander Bend (the "Petitioner") filed a Petition on Proposed Agency Action (the "Petition") in this docket alleging that his substantial interests will be affected by the proposed agency action simply because his is a ratepayer of FPC.

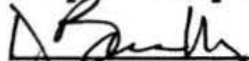
3. Contemporaneously with filing this Request for Oral Argument, APP is filing its Amended Emergency Motion requesting that the Commission dismiss the Petition. The fundamental issues raised in APP's Amended Emergency Motion to Dismiss are whether the Petitioner has standing to initiate a formal administrative proceeding and whether APP is entitled to costs and attorneys fees as a result of the Petitioner filing the Petition for an improper purpose.

4. Oral argument would be beneficial in aiding the Commission in comprehending and evaluating the issues raised in APP's Emergency Motion because oral argument will assist the Commission in testing the Petitioner's standing and in determining whether the Petition was filed for an improper purpose.

5. As stated in APP's Emergency Motion, the prompt resolution of this matter is essential to the continued viability of the assignment of the LFC Standard Offer Contracts to APP and the benefits to FPC's ratepayers which will result from the assignment. Thus, APP respectfully requests that the Commission set this matter for oral argument immediately.

WHEREFORE, APP respectfully requests that it be granted oral argument on its Amended Emergency Motion to Dismiss Petition on Proposed Agency Action and Request for Costs and Attorneys Fees.

Respectfully submitted,



D. Bruce May
HOLLAND & KNIGHT
P.O. Drawer 810
Tallahassee, FL 32302

**Attorneys for Auburndale Power
Partners, Limited Partnership**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by hand delivery to Richard E. Benton, 3837-A Killearn Court, Tallahassee, FL 32308, and Evander Bend, 243 N. Magnolia Dr., Tallahassee, FL 32301; and by U.S. Mail to Martha Brown, Staff Counsel, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, FL 32301; J. Bradford Hines, Florida Power Corporation, Office of General Counsel, 3201-34th Street, South, P.O. Box 14042, St. Petersburg, FL 33733; John R. Marks, III, Katz, Kutter, Haigler, Alderman, Marks & Bryant, P.A., 106 East College Avenue, Suite 1200, Tallahassee, Florida 32301; Evander Bend, 815 N. Jefferson St., Monticello, FL 32344; and by Certified Mail, Return Receipt Requested to Ann Smith, P.O. Box 1126, Monticello, FL 32344 this 17th day of November, 1994.


D. Bruce May

TAL-53345