

SUZANNE BROWNLESS, P. A.

ATTORNEY AT LAW
2546 Blair Stone Pines Drive
Tallahassee, Florida 32301

ENERGY REGULATORY LAW
ALTERNATIVE ENERGY GENERATION

TELEPHONE (904) 877-5200
TELECOPIER (904) 878-0090

December 2, 1994

Ms. Blanca S. Bayó, Director
Division of Public Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

Re: Docket No. 941101-EQ

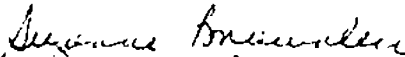
Petition for determination that the plan for curtailing purchases from qualifying facilities in minimum load conditions is consistent with Rule 25-17.086, F.A.C. by FLORIDA POWER CORPORATION.

Dear Ms. Bayó:

Please find enclosed the original and fifteen copies of the Petition to Intervene of Tiger Bay Limited Partnership to be filed in the above cited docket.

Thank you for your attention in this matter.

Sincerely,


Suzanne Brownless
Attorney for Tiger Bay
Limited Partnership

DOCUMENT NUMBER-DATE

12126 DEC-2 1994

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for determination that) Docket No. 941101-EQ
plan for curtailing purchases from)
qualifying facilities in minimum load)
conditions is consistent with Rule 25-)
17.086, F.A.C., by Florida Power)
Corporation.)
_____)

PETITION TO INTERVENE

Tiger Bay Limited Partnership (Tiger Bay), by its undersigned attorneys and pursuant to Rules 25-22.039 and 25-22.036(7)(a), F.A.C., files this petition to intervene and in support thereof states as follows:

1. The name and address of the Petitioner is:

Tiger Bay Limited Partnership
c/o Destec Energy Company, Inc.
2500 CityWest Blvd.
Suite 150
Houston, Texas 77210-4411

2. The name and address of the persons who should receive notices and other communications is as follows:

Suzanne Brownless
Suzanne Brownless, P.A.
2546 Blairstone Pines Drive
Tallahassee, Florida 32301

Barry N.P. Huddleston
Regional Manager
Regulatory Affairs
Destec Energy Company, Inc.
2500 CityWest Blvd.
Suite 150
Houston, Texas 77210-4411

3. Tiger Bay and Florida Power Corporation (FPC) are current parties to certain power purchase agreements which will be served from the gas-fired Tiger Bay facility located in Polk County, Florida. On August 17, 1993 Tiger Bay and FPC entered into a curtailment agreement whereby Tiger Bay agreed to reduce output during off-peak hours throughout the term of the contracts and not to deliver any power during three two-week periods each year.

DOCUMENT NUMBER-DATE

12126 DEC-23

4. In this docket FPC has requested Commission approval of a proposed curtailment plan to be implemented when forecasted minimum load is 2,500 MW or below and system generation is expected to exceed the forecasted load levels. Under this plan, cogenerators are divided into three categories: A, cogenerators selling firm capacity and energy with curtailment agreements; B, cogenerators selling firm capacity and energy without curtailment agreements; and C, cogenerators selling as-available energy. Essentially, curtailments begin with Group C and move to Group B and Group A on an equal percentage basis until either the load has been sufficiently curtailed or the minimum loading condition no longer exists. As load ramps back up, capacity is added back on the system in reverse order starting with Group A.

5. FPC has already implemented a curtailment pursuant to its proposed plan on October 18-19, 1994 which affected Tiger Bay by operation of the provisions of its curtailment agreement and FPC's curtailment procedure.

6. As a party to these contracts, Tiger Bay will be substantially and directly affected by the Commission's decision in this docket since such action will determine under what circumstances FPC may limit its purchases of energy from Tiger Bay pursuant to its power purchase agreements and/or applicable law.

7. The issues raised in this docket present both questions of law and material fact regarding the definitions of the terms "minimum load conditions", "system emergencies" and "operational circumstances" as well as interpretations of FPSC Rule 25-17.086,

F.A.C., and FERC Rules 292.304(f)(4) and 292.307(b).

WHEREFORE, Tiger Bay Limited Partnership requests that this Commission grant the above petition for intervention and give full party status in this docket to Tiger Bay Limited Partnership in accord with all applicable rules and statutes.

Respectfully submitted this 21 day of December, 1994

by:



Suzanne Brownless

Suzanne Brownless, P.A.
2546 Blairstone Pines Drive
Tallahassee, Florida 32301
(904) 877-5200

c:1129

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for determination that the plan)
for curtailing purchases from qualifying)
facilities in minimum load conditions is)
consistent with Rule 25-17.086, F.A.C.)
by FLORIDA POWER CORPORATION)

Docket No. 941101-EQ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Petition to Intervene filed on behalf of Tiger Bay Limited Partnership has been furnished by U.S. Mail or Hand Delivery (*) this 2nd day of December, 1994 to the following individuals:

*Martha C. Brown
Division of Legal Services
Florida Public Service Comm.
101 E. Gaines Street
Tallahassee, FL 32399-0863

Kenton Erwin, Esquire
Destec Energy
2500 CityWest Blvd.
Suite 150
Houston, TX 77042

James A. McGee
Florida Power Corporation
P.O. Box 14042
St. Petersburg, FL 33733

Ansley Watson, Jr.
MacFarlane Ausley Law Firm
P.O. Box 1531
Tampa, FL 33601-1531

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson & Bakas
315 S. Calhoun St., Suite 716
Tallahassee, FL 32301

Richard Zambo
Richard Zambo, P.A.
598 SW Hidden River Ave.
Palm City, FL 34990

Scheff Wright
Landers & Parsons
310 West College Ave.
Tallahassee, FL 32301

Ms. Gail Fels
Assistant County Attorney
Aviation Division
P.O. Box 592075 AMF
Miami, FL 33159

Mr. Mauro Chiesa
Sumitomo Bank
277 Park Avenue
New York, NY 10172

Barry Huddleston
Destec Energy
2500 CityWest Blvd., Suite 150
Houston, Texas 77042


Mr. Chuck Cook
Destec Energy
2500 CityWest Blvd.
Suite 150
Houston, Texas 77042

Tim Unger, Esquire
Andrews & Kurth, L.L.P.
600 Travis
4200 Texas Commerce Tower
Houston, Texas 77002

Larry Gershan, President
GPR
The Plaza Building
Suite 700
111 Second Ave., N.E.
St. Petersburg, Florida 33701

Mr. Thomas Murley
EIF
200 Berkeley Street
20th Floor
Boston, MA 02116

Barrett Johnson
Johnson & Associates, P.A.
315 S. Monroe Street
Suite 350
Tallahassee, FL 32301



Suzanne Brownless
Attorney for Tiger Bay
Limited Partnership