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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-EO

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FILE COPY

PETITION OF PASCO COUNTY, FLORIDA FOR LEAVE TO INTERVENE
AND FOR EVIDENTIARY HEARING

Pasco County, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, 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, Pasco County states as follows:

1. Pasco County, Florida, is a non-charter County acting by and through its Board of County Commissioners, the governing body thereof.

2. Pasco County owns and operates a waste to energy facility and is currently contracted to supply Florida Power Corporation with twenty-three (23) megawatts of capacity. At full operating capacity, the County's waste-to-energy facility generates about twenty-seven (27) megawatts for export to Florida Power Corporation.

3. Pasco County and Florida Power Corporation are currently operating under a Letter of Understanding dated June 23, 1994 wherein the County has agreed to reduce energy generated during

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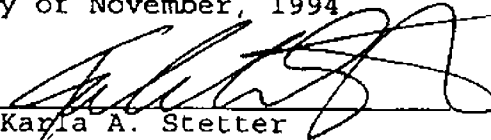
certain periods of low energy demand and which specifies how energy generation shall be reduced. Pasco County is concerned as to how the Public Service Commission with regard to Florida Power's Petition will affect Pasco County's rights and obligations under the above-referenced Letter of Understanding.

4. In addition, the Commission's actions with respect to Florida Power Corporation's Petition for approval of its curtailment plan will directly affect the substantial interest of Pasco County in that such Commission actions may or will determine when, and under what circumstances, Florida Power Corporation may refuse to purchase electric energy from Pasco County, pursuant to the contract and the Commission's rules. Pasco County's substantial interests in selling power produced from its waste-to-energy facility, as well as its rights to sell that power pursuant to State and Federal law, will be affected by any such determination. Pasco County believes that certain material issues of fact must be addressed before the Commission can render a determination on the propriety of Florida Power Corporation's curtailment plan. These include the existence of minimum load conditions; the need to curtail purchases from QP's to avoid an excess generation condition; and the cost impacts that Florida Power Corporation can reasonably be expected to incur if it shuts down one of its base load units during minimum load conditions rather than curtailing purchases from QP's to avoid an excess generation condition. Several mixed issues of fact, law and policy must also be addressed in determining the validity of Florida Power Corporation's curtailment plan.

5. In view of the issues of fact, law and policy that must be addressed in determining the validity of Florida Power Corporation's curtailment plan, Pasco County respectfully requests that the Commission set this matter for hearing pursuant to Section 120.57(1), Florida Statutes.

WHEREFORE, Pasco County prays this Honorable Commission 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 County's undersigned attorney, and to set this matter for hearing pursuant to Section 120.57(1), Florida Statutes.

Respectfully submitted this 21st day of November, 1994



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