

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Declaratory Statement )	Docket No. 980283-EQ
that Commission's Approval of Negotiated )	
Contract for Purchase of Firm Capacity )	Submitted for Filing:
and Energy between Florida Power )	April 6, 1998
Corporation and Metropolitan Dade County, )	
Order No. 24734, Together with Order )	
Nos. PSC-97-1437-FOF-EQ, Rule )	
25-17.0832, F.A.C., and Order No. )	
24989, Establish that Energy Payments )	
thereunder, including when Firm or As- )	
Available Payment is Due, Are Limited )	
to Analysis of Avoided Costs based upon )	
Avoided Unit's Contractually-Specified )	
Characteristics. )	

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

MIAMI-DADE COUNTY, FLORIDA ("Dade County" or "Dade"), a political subdivision of the State of Florida, and MONTENAY-DADE, LTD., by and through its managing general partner, MONTENAY POWER CORP. (collectively "Montenay"), pursuant to Rule 25-22.058, Florida Administrative Code ("F.A.C."), respectfully request that the Florida Public Service Commission grant oral argument on Dade County's and Montenay's Motion to Dismiss the Petition for Declaratory Statement filed on February 24, 1998 by Florida Power

ACK \_\_\_\_\_ corporation ("FPC") that initiated the instant docket.

AFA \_\_\_\_\_

APP Bellak Dade County's and Montenay's Motion to Dismiss presents issues

CAF \_\_\_\_\_ that are not frequently addressed by the Commission, including the

GMU \_\_\_\_\_ doctrines of res judicata, collateral estoppel, and administrative

CTR \_\_\_\_\_

EAG 3 finality, as well as the proper relations between the Commission's

LEG \_\_\_\_\_ jurisdiction and that of the courts to resolve disputes between

LIN \_\_\_\_\_ qualifying facilities and utilities. Accordingly, Dade County and

OPC \_\_\_\_\_

RCH \_\_\_\_\_ Montenay believe that oral argument will assist the Commission in

SEC 1

WAS \_\_\_\_\_

OTH \_\_\_\_\_

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comprehending and deciding the issues raised therein.

Respectfully submitted this 6th day of April, 1998.

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Dade County Attorney

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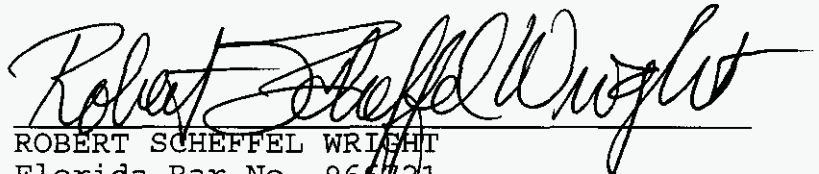
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Counsel for Montenay Power Corp. and  
Montenay-Dade, Ltd.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished this 6th day of April, 1998, by Telecopy and U. S. Mail Mail to Chris S. Coutroulis, Esquire and Robert L. Ciotti, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, Post Office Box 3239, 777 S. Harbour Island Boulevard, Tampa, Florida 33602; James A. McGee, Esquire, Office of the General Counsel, Florida Power Corporation, 3201 34th Street South, Post Office Box 14042, St. Petersburg, Florida 33733-4042; and to Richard C. Bellak, Esquire, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Third Floor, Gunter Building, Tallahassee, Florida 32399-0850.



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