## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power Corporation for Declaratory Statement that Commission's Approval of Negotiated Contract for Purchase of Firm Capacity and Energy between Florida Power Corporation and Lake Cogen, Ltd., in Order No. 24734, Together with Order No. PSC-97-1437-F0F-EQ, Rule 25-17.0832, F.A.C., and Order No. 24989, Establish that Energy Payments Thereunder, Including When Firm or As-Available Payments Are Due, Are Limited to Analysis of Avoided Costs Based upon Avoided Unit's Contractually-Specified Characteristics.

Docket No. 980509-EQ Submitted for Filing: April 30, 1998

## LAKE COGEN, LTD.'S REQUEST FOR ORAL ARGUMENT

LAKE COGEN, LTD., by and through NCP Lake Power, Inc., its general partner, hereinafter collectively referred to as "Lake "Lake," pursuant to Rule 25-22.058, Administrative Code ("F.A.C."), respectfully requests that the Florida Public Service Commission (the "Commission") grant oral argument on Lake Cogen's Motion to Dismiss the Petition for Declaratory Statement filed on April 10, 1998 by Florida Power

Corporation ("FPC") that initiated the instant docket. AFA. APP Lake Cogen's Motion to Dismiss presents issues that are not CAF frequently addressed by the Commission, including the application **C**MU CTR the doctrines of <u>res judicata</u>, collateral estoppel, EAG administrative finality, as well as the proper relations between LEG the Commission's jurisdiction and that of the courts to resolve LIN \_disputes between qualifying facilities and utilities. Accordingly, OPC . RCH. Take Cogen believes that oral argument will assist the Commission SEC 1

WAS RECEIVED & FILED

ACK

DOCUMENT NUMBER-DATE

04900 APR 30 %

156

in comprehending and deciding the issues raised therein.

Respectfully submitted this 30th day of April, 1998.

LAKE COGEN, LTD. a Florida Limited Partnership

By: Robert Scheffel Wright, Esquire

Its Attorney

Florida Bar No. 966721

John T. LaVia, III,

Florida Bar No. 853666

LANDERS & PARSONS, P.A.

310 West College Avenue

Post Office Box 271

Tallahassee, Florida 32302

(904) 681-0311

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished this 30th day of April, 1998, by U. S. Mail to 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 by hand delivery to Richard C. Bellak, Esquire, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Third Floor, Gunter Building, Tallahassee, Florida 32399-0850.

ROBERT SCHEFFEL WRIGHT FYORIDA BAR NO. 966721

John T. LaVia, III

Florida Bar No. 853666

310 West College Avenue (ZIP 32301)

Post Office Box 271

Tallahassee, Florida 32302

Telephone: (850) 681-0311 Telecopier: (850) 224-5595