

IN THE SUPREME COURT
STATE OF FLORIDA

In re: Petition by Florida Power Corporation for Declaratory Statement That Commission's Approval of Negotiated Contract for Purchase of Firm Capacity and Energy Between FPC and Metropolitan Dade County in Order No. 24734, Together with Orders Nos. PSC-97-1437-FOF-EQ and 24989, PURPA, Florida Statute 366.051 and Rule 25-17.082, F.A.C., 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.

CASE NO. 94,664

FLORIDA POWER CORPORATION,

Petitioner/Appellant,

vs.

FLORIDA PUBLIC SERVICE COMMISSION,

Agency/Appellee;

METROPOLITAN DADE COUNTY; MONTENAY-
DADE, LTD.,

Intervenors/Appellees.

REQUEST FOR LEAVE TO REPLY

Lake Cogen, Ltd., appellee, in Case No. 94,665, pending on Motion to Consolidate with Case No. 94,664, requests leave that it be allowed to file a reply to Florida Power Corporation's objections to supplementation of the record. Lake Cogen joined

_____ in the motion to supplement filed by Dade/Montenay in Case No. _____ 94,664. Appellant, Florida Power Corporation, has filed an _____ appellant's brief with absolutely no record references to the _____ first pleading or order. Instead, Florida Power Corporation has _____

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
MAS _____
OPC _____
RRR _____
SEC _____
WAW _____
OTH _____

DOCUMENT NUMBER-DATE

06120 MAY 14 88

FPSC-RECORDS/REPORTING

filed a very selective appendix containing some, but not all of the orders of the Public Service Commission involved in this appeal. Lake Cogen has now moved to supplement the record to include certain important orders and pleadings which were before the Commission below but which were not included in the clerk's index. Florida Power Corporation has objected to supplementation and a reply on this important issue is necessary and appropriate. The reply is filed along with this request for leave.

I HEREBY CERTIFY that a copy has been furnished to **ROBERT SCHEFFEL WRIGHT**, Landers & Parsons, 310 West College Avenue, Post Office Box 271, Tallahassee, Florida 32302; **JODI L. CORRIGAN**, **MARILYN E. CULP**, **LISBETH KIRK ROGERS**, Annis, Mitchell, Cockey, Edwards & Roehn, P.A., P.O. Box 3433, Tampa, Florida 33601; **DIRECTOR**, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32349-9850; **DAVID E. SMITH**, Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Third Floor, Gunter Building, Tallahassee, Florida 32399-0880; **JAMES D. WING**, 701 Brickell Avenue, 30th Floor, P.O. Box 15441, Miami, Florida 33101; **JOHN R. MARKS, III**, Knowles, Marks & Randolph, P.A., 215 South Monroe Street, Suite 130, Tallahassee, Florida 32301; **RODNEY GADDY**, **JAMES MCGEE**, Florida Power Corporation, Legal Department, P.O. Box 14042, St. Petersburg, Florida 33733; **SYLVIA H. WALBOLT**, **CHRIS C. COUTROULIS**, **ROBERT L. CIOTTI**, **JOSEPH H. LANG, JR.**, Carlton Fields, 200 Central Avenue, Suite 2300, St. Petersburg, Florida 33701; **GAIL P. FELS**,

Assistant County Attorney, Dade County Aviation Department, P.O.
Box 592075 AMF, Miami, Florida 33159; ROBERT D. VANDIVER, RICHARD
C. BELLAK, Florida Public Service Commission, 2540 Shumard Oak
Blvd., Tallahassee, Florida 32399-0850; this 18th day of May,
1999.



JOHN BERANEK, FBN 0005419
LEE WILLIS FBN 0135074
Ausley & McMullen
P.O. Box 391
227 S. Calhoun Street (32301)
Tallahassee, Florida 32302
850/224-9115

Attorneys for Intervenor/Appellee
LAKE COGEN, LTD.

h:\data\jrb\p1d\lakecogen.motionforleave.664.doc