

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination )  
of Need for an Electrical Power Plant in ) DOCKET NO. 000288-EU  
Lake County by Panda Leesburg )  
Power Partners, L.P. )  
\_\_\_\_\_ )

**PETITIONER'S REQUEST FOR ORAL ARGUMENT  
ON ITS RESPONSE AND MEMORANDUM OF LAW  
IN OPPOSITION TO FLORIDA POWER CORPORATION'S  
MOTION TO DISMISS THE PETITION**

Panda Leesburg Power Partners, L.P. ("Panda Leesburg"), pursuant to Florida Public Service Commission Rule 25-22.058, F.A.C., by and through its undersigned attorney, hereby respectfully requests that it be granted oral argument on its Response and Memorandum of Law in Opposition to Florida Power Corporation's Motion to Dismiss the Petition filed in the above-styled docket and, in support thereof, states as follows:

1. This petition for determination of need by Panda Leesburg as an Exempt Wholesale Generator ("EWG") is one of only four such filings to be made with the Commission at this point in time. Petitions for determinations of need by EWGs represent new territory for the Commission. This case presents many of the same significant and novel legal and policy issues that have been presented by the two proceedings for need determinations for EWGs that have preceded it (by Duke New Smyrna and Okeechobee Generating Company). However, this case also has its own unique facts. Each of these initial EWG filings will shape

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FPSC-RECORDS/REPORTING

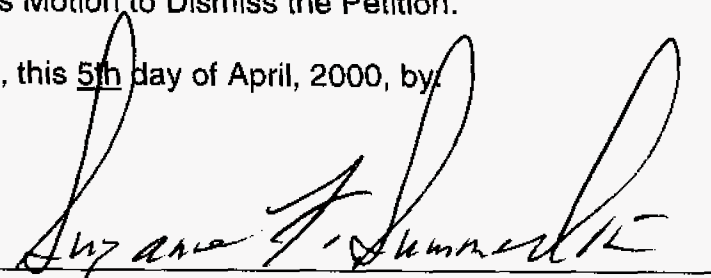
the development of the decisional law and policy that will govern all future EWG need determinations. For all of these reasons, Panda Leesburg submits that the Commission will benefit from discussion of the issues raised in Florida Power Corporation's Motion to Dismiss the Petition and Panda Leesburg's Response and Memorandum of Law in Opposition to FPC's Motion to Dismiss the Petition.

2. Panda Leesburg Power Partners, L.P., has incurred a great deal of expense and time in the preparation of its Petition for Determination of Need. As the Commission's decision on FPC's Motion to Dismiss could be dispositive of the Petition, it is an extremely serious determination for Panda Leesburg.

3. Granting oral argument will permit the Commission to thoroughly evaluate and completely understand the parties' positions.

WHEREFORE, Panda Leesburg Power Partners, L.P., requests that it be granted oral argument on its Response and Memorandum of Law in Opposition to Florida Power Corporation's Motion to Dismiss the Petition.

Respectfully submitted, this 5<sup>th</sup> day of April, 2000, by



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**CERTIFICATE OF SERVICE**

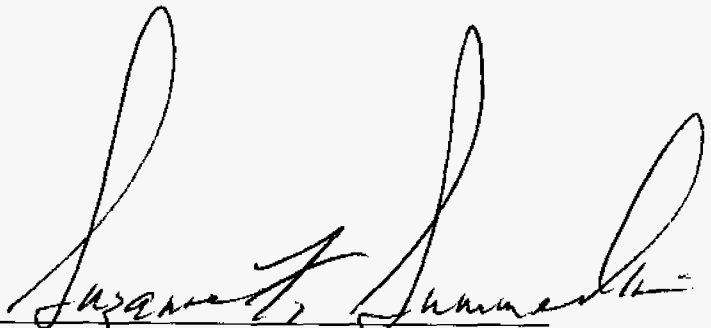
I HEREBY CERTIFY that a true and correct copy of this Panda Leesburg Power Partners, L.P.'s Request for Oral Argument on its Response and Memorandum of Law in Opposition to Florida Power Corporation's Motion to Dismiss the Petition in Docket No. 000289-EU was served by Hand Delivery(\*) or mailed this 5th day of April, 2000, to the following:

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