ORIGINAL

MEMORANDUM

DECEMBER 21, 2000

TO: DIVISION OF RECORDS AND REPORTING

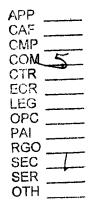
FROM: DIVISION OF LEGAL SERVICES (R. ISAAC) \bigcirc

RE: DOCKET NO. 001748 - PETITION FOR DETERMINATION OF NEED FOR THE OSPREY ENERGY CENTER IN POLK COUNTY BY SEMINOLE ELECTRIC COOPERATIVE AND CALPINE CONSTRUCTION FINANCE COMPANY, L.P.

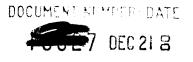
Attached is the original and seven copies of Staff's Preliminary List of Issues and Positions to be issued in the abovereferenced docket. (Number of pages 4)

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RNI/jb Attachment I: 001748.iss wp 6.1



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TPSC-REMONDCZREPORTING



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for the Osprey Energy Center in Polk County by Seminole Electric Cooperative and Calpine Construction Finance Company, L.P.

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DOCKET NO. 001748-EC FILED: DECEMBER 21, 2000

STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS

Pursuant to the Order Establishing Procedure entered in this docket, the Staff of the Florida Public Service Commission hereby files its Preliminary List of Issues.

- **Issue 1:** Are Seminole Electric Cooperative, Inc. and Calpine Construction Finance Company, L.P., "applicants" within the meaning of Section 403.519, Florida Statutes?
- **Position:** Staff takes no position at this time, pending discovery.
- Issue 2: Is the output of the proposed Osprey Energy Center fully committed for use by Florida customers who purchase electrical power at retail rates as recorded by the Florida Supreme Court in <u>Tampa Electric Co. et al. v.</u> <u>Garcia</u>, 25 Fla. L. Weekly S294 (April 20, 2000)?
- Position: Staff takes no position at this time, pending discovery.
- **Issue 3:** Is there a need for the proposed Osprey Energy Center, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

Issue 4: Is there a need for the proposed Osprey Energy Center, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

Position: Staff takes no position at this time, pending discovery.

DOCUMENT NUMBER-DATE

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STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS DOCKET NO. 001748-EC PAGE 2

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- **Issue 5:** Do the requirements of Rule 25-22.082, Florida Administrative Code, "Selection of Generating Capacity," apply to Seminole Electric Cooperative, Inc.?
- Position: Staff takes no position at this time, pending discovery.
- **Issue 6:** Is the proposed Osprey Energy Center the most costeffective alternative available, as this criterion is used in Section 403.519, Florida Statutes?
- Position: Staff takes no position at this time, pending discovery.
- Issue 7: Are there any conservation measures taken by or reasonably available to Seminole Electric Cooperative, Inc. which might mitigate the need for the proposed power plant, as this criterion is used in Section 403.519, Florida Statutes?
- **Position:** Staff takes no position at this time, pending discovery.
- **Issue 8:** Has Calpine Construction Finance Company, L.P., secured adequate natural gas transportation to the proposed facility?
- Position: Staff takes no position at this time, pending discovery.
- **Issue 9:** Based on the resolution of the foregoing issues, should the Commission grant the petition to determine the need for the proposed Osprey Energy Center?
- **Position:** Staff takes no position at this time, pending discovery.
- Issue 10: Should this docket be closed?
- Position: Staff takes no position at this time, pending discovery.

STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS DOCKET NO. 001748-EC PAGE 3

Dated this _21st day of December, 2000

Respectfully submitted,

Mahael Daec

Rachael Isaac Staff Counsel

FLORIDA PUBLIC SERVICE COMMISSION 2540 Shumard Oak Boulevard Gerald L. Gunter Building Tallahassee, Florida 32399-0850 (850)413-6218

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for the Osprey Energy Center in Polk County by Seminole Electric Cooperative and Calpine Construction Finance Company, L.P. DOCKET NO. 001748-EC FILED: December 21, 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing list of <u>STAFF'S PRELIMINARY LIST OF ISSUES AND POSITIONS</u> has been furnished to the following by U.S. Mail this 21st day of December,

2000:

Joseph A. McGlothlin McWhirter Reeves Law Firm 117 South Gadsden St. Tallahassee, FL 32301

Timothy S. Woodbury Vice President of Strategic Services 16313 North Dale Mabry Highway Tampa, FL 33618

Robert Scheffel Wright John T. LaVia, III Diane K. Kiesling Landers & Parsons, P.A. P.O. Box 271 Tallahassee, FL 32302 Joseph Regnery Calpine Eastern Corp. Two Urban Centre 4890 West Kennedy Blvd., Suite 600 Tampa, FL 33609

Tim Eves Director, Business Development Two Urban Centre 4890 West Kennedy Blvd., Suite 600 Tampa, FL 33609

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Rachael Isaac Staff Attorney