

ORIGINAL
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PETITION FOR FORMAL PROCEEDINGS

COMES NOW the Petitioner, Ann Smith, pursuant to Florida Law and Rule 25-22.029(4) F.A.C. and hereby demands relief and petitions for formal proceedings before the Florida Public Service Commission in Docket No. 940819-EQ and in support says:

1. Petitioner was notified by mail of the Commission's proposed agency action. Petitioner is a resident of Jefferson County.

2. The Commission's proposed agency action will allow:

A. LFC's assignment of its standard offer contract with Florida Power Corporation to Auburndale Power Partners.

B. LFC then plans to discontinue operations at the Madison and Jefferson County facilities.

3. If the assignment takes place and LFC discontinues operations at the Madison and Jefferson facilities, Petitioner's substantial interests will be affected because:

A. There will be an increase in Utility Rates in Madison and Jefferson counties.

B. There will be a loss of local jobs and local economic benefits which flow from the operation of LFC's plants.

4. Petitioner's disputed issues of material fact shall include but not be limited to:

A. The standard offer contract, if assigned, would constitute a new contract by novation.

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B. The standard offer contract is not authorized for a power facility which produces more than 75 MW.

C. The LFC standard offer contract is with a power facility of less than 75 MW.

D. The LFC standard offer contract can not be assigned to Auburndale Power Partners because its power facility is more than 75 MW.

E. There is no cost effectiveness to the Florida Ratepayer, in fact, the Florida Ratepayer will pay more, if the standard offer contract is assigned.

5. Petitioner is entitled to relief because:

A. The Commission's proposed agency action is in violation of the Public Utility Regulatory Policies Act of 1978.

B. The Commission's proposed agency action is in violation of the small power facilities Public Utility Company Act of 1935.

C. The Commission's proposed agency action is in violation of the Federal Power Act.

WHEREFORE, Ann Smith, requests a Formal Proceedings be held.

Dated November 12, 1994.



Ann Smith
P. O. Box 1126
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cc: Public Counsel