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TALLAHASSEE, FLORIDA 32308

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November 14, 1994

via hand delivery

Ms. Blanca S. Bayo, Director  
Public Service Commission  
Division of Records & Reporting  
101 East Gaines Street  
Tallahassee, FL 32301

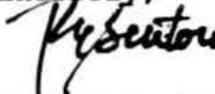
Re: In re: Joint Petition for Approval of Standard Offer  
Contracts of Florida Power Corporation and  
Auburndale Power Partners, Limited Partnership  
Docket No. 940619-EQ

Dear Ms. Bayo:

Enclosed for filing in the proceeding referenced above are the original and fifteen copies of a Petition on Proposed Agency Action. Also enclosed is a copy for our records to be date stamped by you and returned to our office.

Thank you for your cooperation in this matter.

Sincerely,



Richard E. Benton

REB/ajw  
Enclosures

RECEIVED & FILED

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Joint Petition for )  
 Approval of Standard Offer )  
 Contracts of FLORIDA POWER ) DOCKET NO. 940819-EQ  
 CORPORATION and AUBURNDALE POWER )  
 PARTNERS, LIMITED PARTNERSHIP )

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PETITION ON PROPOSED AGENCY ACTION

COMES NOW **EVANDER BEND** ("Bend"), by and through his undersigned counsel, and says:

1. This is a petition for formal administrative hearing made pursuant to Section 120.57(1), Florida Statutes.

2. The name and address of the Petitioner is:

Evander Bend  
815 North Jefferson Street  
Monticello, FL 32344

3. The subject of this petition is a Proposed Agency Action (PAA) issued October 24, 1994, by the Florida Public Service Commission, Order #PSC94-1306-FOF-EQ and Docket #940819-EQ.

4. Bend is a ratepayer of Florida Power Corporation (FPC). PAA is not in the best interests of the ratepayers of FPC and the Petitioner in particular. Accordingly, the substantial interests

ACK  of the Petitioner, in his capacity as ratepayer of FPC, are  
AFA \_\_\_\_\_ affected by the PAA.

APP \_\_\_\_\_  
CAF \_\_\_\_\_ 5. The known disputed issues of material fact in this matter  
CMU \_\_\_\_\_ are:

CTR \_\_\_\_\_  
EAG \_\_\_\_\_ a. Whether the "off-peak curtailment" provisions of the  
LEG Brent M. Mew Consent and Agreement executed by LFC, FPC and Auburndale on April  
LIN 6 18, 1994, ("Consent") provide benefits to the ratepayers of FPC.

OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1 \_\_\_\_\_  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

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b. Whether the proposed change in location from Madison and Monticello to Auburndale provide benefits to the ratepayers of FPC.

c. Whether the proposed change in location from Madison and Monticello to Auburndale is consistent with public policy and law.

d. Whether changing the cogeneration fuel from a renewable resource to natural gas provides benefits to the ratepayers of FPC.

e. Whether changing the cogeneration fuel from a renewable resource to natural gas is consistent with public policy and law.

f. Whether the Standard Offer Contracts, as altered by the Consent and Agreement, have been so materially altered that in-depth analysis as to the benefits of ratepayers is required.

6. The Petitioner alleges the following to be the ultimate facts in this cause:

a. There are no benefits to the ratepayers of FPC arising out of the "off-peak curtailment" provisions of the Consent.

b. There are no benefits to the ratepayers of FPC arising out of the change in the location contemplated by the Consent.

c. There are no benefits to the ratepayers of FPC arising out of the change from a renewable fuel source to natural gas as contemplated by the Consent.

d. The modifications and changes to the Standard Offer Contracts made by the Consent constitute material alterations to the Standard Offer Contracts requiring a detailed and deliberate analysis by the Commission of whether there are any benefits to the ratepayers of FPC.

7. The statutes and rules which entitle the Petitioners to relief hereunder are: Sections 120.57(1) and 366.051, Florida Statutes, and Rules 25-17.0832 and 25-22, Part IV, Florida Administrative Code.

8. The Petitioner became aware of the PAA through his counsel's following of this proceeding before the Commission. Counsel was advised of the PAA by staff of the Commission on October 25, 1994. Counsel to Petitioner received a copy of the Notice of PAA on November 1, 1994.

WHEREFORE, the Petitioners hereby demand the following relief:

A. That the Commission accept this Petition and grant to the Petitioner a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes.

B. That the hearing officer in this cause issue a recommended order denying the relief sought in the Joint Petition for Approval of Standard Offer Contracts of Florida Power Corporation and Auburndale Power Partners, a Limited Partnership, filed in this cause.

C. That the Commission issue a final order denying the relief sought in the Joint Petition and accepting the staff recommendation as expressed in a memorandum dated September 8, 1994, contained in this docket.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument has been furnished by U.S. Mail this 14 day of November, 1994, to: D. Bruce May, Esq., Holland & Knight, Post Office Drawer 810, Tallahassee, FL 32302-810; John R. Marks, III, Esq., Katz, Cutter, Haigler, Alderman, Marks & Bryant, P.A., 106 East College Avenue, Suite 1200, Tallahassee, FL 32301; Robert F. Riley, Esq., Auburndale Power Partners, Limited Partnership, 12500 Fair Lakes Circle, Suite 420, Fairfax, VA 22033; J. Bradford, Hines, Esq., Florida Power Corporation, Office of General Counsel, Post Office Box 14042, St. Petersburg, FL 33733.

Respectfully submitted,



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