

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
determination of need for the
Osprey Energy Center by Calpine
Construction Finance Company,
L.P.

DOCKET NO. 000442-EI
ORDER NO. PSC-00-1687-PCO-EI
ISSUED: September 21, 2000

ORDER GRANTING PETITIONS FOR INTERVENTION

By separate petitions, Florida Power & Light Company (FPL) and Florida Power Corporation (FPC), have requested permission to intervene in this proceeding, both alleging that their substantial interests will be determined or affected by the outcome of this proceeding. Petitioner, Calpine Construction Finance Company, L.P. (Calpine), filed Responses In Opposition to the Petitions for Leave to Intervene and requested oral argument. Oral argument was heard on September 19, 2000.

At oral argument, Calpine offered to withdraw its opposition to intervention at this time with leave to raise the issue of standing at the hearing. Based on the arguments of counsel and Calpine's withdrawal of its opposition to intervene, the petitions of FPL and FPC to intervene in this proceeding are granted.

Accordingly, it is hereby

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that the Petitions for Leave to Intervene filed by Florida Power & Light Company and Florida Power Corporation are hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

James A. McGee, Esquire, Florida Power Corporation, Post Office Box 14042, St. Petersburg, Florida 33733, on behalf of Florida Power Corporation;

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Gary L. Sasso, Esquire, and Jill H. Bowman, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., Post Office Box 2861, St. Petersburg, Florida 33731, on behalf of Florida Power Corporation;

Robert W. Pass, Esquire, Carlton, Fields, Ward, Emmanuel, Smith, & Cutler, P.A., Post Office Drawer 190, Tallahassee, Florida 32302-0190, on behalf of Florida Power Corporation;

Matthew M. Childs, Esquire, P.A., and Charles Guyton, Esquire, Steel Hector & Davis LLP, Suite 601, 215 South Monroe Street, Tallahassee, Florida 32301, on behalf of Florida Power & Light Company.

William G. Walker, III, Vice President, Regulatory Affairs, Florida Power & Light, Co., 9250 West Flagler Street, Miami, Florida 33174, on behalf of Florida Power & Light Company.

By ORDER of Commissioner Lila A. Jaber as Prehearing Officer, this 21st Day of September, 2000.



LILA A. JABER
Commissioner and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.