

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 991462-EU Date Docketed: 09/24/1999 Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.
 Company: Okeechobee Generating Company, L.L.C.

Official Filing Date: _____
 Last Day to Suspend: _____

Expiration: _____

Referred to:
 ("()") indicates OPR)

ADM AFA APP CAF CMU (EAG) GCL LEG RAR PAI WAW
 _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B2(a)

Staff Assignments

OPR Staff

Staff Counsel

OCRs ()

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Recommended assignments for hearing
 and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: _____

Initials: OPR _____
 Staff Counsel _____

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level**

0

Due Dates

Previous Current

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	

DOCUMENT NO.

16968-01

Where panels are assigned the senior Commissioner is Panel Chairman;
 the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is
 assigned the full Commission decides the case.

Approved: _____

Date: / /

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 991462-EU Date Docketed: 09/24/1999 Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

Company: Okeechobee Generating Company, L.L.C.

Official Filing Date: _____
Last Day to Suspend: _____

Expiration: _____

Referred to:
("()") indicates OPR)

ADM AFA APP CAF CMU (EAG) GCL LEG RAR PAI WAW
_____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B2(a)

Staff Assignments

OPR Staff M Haff, J Breman, R Goad,
W Makin

Staff Counsel C Keating, T Collins

OCRs () _____

() _____

() _____

() _____

() _____

Recommended assignments for hearing
and/or deciding this case:

Full Commission _____ Commission Panel X
Hearing Examiner _____ Staff _____

Date filed with RAR: 10/04/1999

Initials: OPR _____
Staff Counsel _____

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level**

0

Due Dates

Previous Current

1. Order Establishing Procedure	NONE	10/04/1999
2. FAW Notice Filed	NONE	10/12/1999
3. Notice of Prehearing and Hearing	NONE	10/12/1999
4. Issue Identification	NONE	10/13/1999
5. Notice Published in Local Newspaper	NONE	10/20/1999
6. Testimony - Petitioner	NONE	10/25/1999
7. Testimony - Staff & Intervenor	NONE	11/08/1999
8. Prehearing Statements	NONE	11/15/1999
9. Testimony - Rebuttal	NONE	11/22/1999
10. Prehearing	NONE	12/01/1999
11. Transcripts Due - Prehearing	NONE	12/03/1999
12. Prehearing Order	NONE	12/03/1999
13. Hearing 12/6-8/99	NONE	12/06/1999
14. Transcripts Due - Hearing	NONE	12/29/1999
15. Briefs Due	NONE	01/06/2000
16. Staff Recommendation	NONE	01/20/2000
17. Agenda - Regular	NONE	02/01/2000
18. Standard Order	NONE	02/21/2000
19. Close Docket or Revise CASR	NONE	03/22/2000
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	GR	DS	CL	JN	JC		
	X	X			X		

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman;
the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is
assigned the full Commission decides the case.

Approved: TS/SM

CSRA

Date: 10/04/1999

Case Scheduling/Rescheduling Advice

Printed on 10/01/1999 at 17:14:22

Page 1 of 1

To:

<input checked="" type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input type="checkbox"/> Commissioner Johnson <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input type="checkbox"/> Staff Contact
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	11/04/1999	12/01/1999	Tallahassee, Room 148	9:30 AM - 12:00 PM
Hearing		12/06/1999	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		12/07/1999	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		12/08/1999	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Former Assignments

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JN	JC		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JN	JC		
	X	X			X		

Prehearing Officer

Commissioners					
GR	DS	CL	JN	JC	ADM

Commissioners					
GR	DS	CL	JN	JC	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

Case Scheduling/Rescheduling Advice

Printed on 11/22/1999 at 09:38:10

Page 1 of 1

To:

<input checked="" type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input type="checkbox"/> Staff Contact
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	12/01/1999	Cancelled	Tallahassee, Room 148	9:30 AM - 12:00 PM
Hearing	12/06/1999	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing	12/07/1999	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing	12/08/1999	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL		JC		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL		JC		
	X	X			X		

Prehearing Officer

Commissioners					
GR	DS	CL		JC	ADM

Commissioners					
GR	DS	CL		JC	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

Case Scheduling/Rescheduling Advice

Printed on 12/09/1999 at 12:12:08

Page 1 of 1

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input type="checkbox"/> Staff Contact
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		03/01/2000	Tallahassee, Room 148	9:30 AM - 12:00 PM
Hearing		03/20/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/21/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/22/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL		JC		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL		JC		
X			A				

Prehearing Officer

Commissioners					
GR	DS	CL		JC	ADM

Commissioners					
GR	DS	CL		JC	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: The previous form should have been for the FULL COMMISSION.

Kay Flynn

From: Jackie Edwards
Sent: Tuesday, December 28, 1999 11:22 AM
To: Kay Flynn
Subject: Proposed Changes To Form 991462-EU-00004

Docket Number 991462-EU - Form Number 991462-EU-00004

Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

Change In Appointment Information - Prehearing Conference - Day 1 of a 1 day appointment - 03/01/2000 - 2:00 PM to 5:00 PM - Tallahassee - Room 152 - Involving Jacobs -
Change in date - FROM: 03/01/2000 TO: 03/03/2000 -

To obtain a copy of form 991462-EU-00004:

1. Access the Commissioner Calendar System by clicking the START button, followed by Network Menus, followed by PSC Applications, followed by Commissioner Calendar System.
2. When the calendar appears, click the File menu option at the top of the screen.
3. Choose the Print My CCS Forms option.

If you have any questions regarding this e-mail please contact Jackie Edwards at 413-6008.

DOCUMENT NO

16968-01

Case Scheduling/Rescheduling Advice

Printed on 12/30/1999 at 16:02:45

Page 1 of 1

To: ☒ Commissioner Deason ☒ Deputy Executive Director/Technical ☒ Electric & Gas Director
☒ Commissioner Clark ☒ Appeals Director ☒ Records & Reporting Director
☒ Commissioner ☒ Legal Director ☒ PAI Director
☒ Commissioner Jacobs ☒ Auditing & Financial Analysis Director ☐ Water & Wastewater Director
☒ Executive Director ☐ Telecommunications Director ☒ Court Reporter
☒ Public Information Officer ☒ Consumer Affairs Director ☐ Staff Contact

From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	03/01/2000	03/03/2000	Tallahassee, Room 152	2:30 PM - 5:00 PM
Hearing		03/20/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/21/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/22/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Former Assignments

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL		JC		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL		JC		
X			A				

Prehearing Officer

Commissioners					
GR	DS	CL		JC	ADM

Commissioners					
GR	DS	CL		JC	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: The previous form should have been for the FULL COMMISSION.

Case Scheduling/Rescheduling Advice

Printed on 02/01/2000 at 16:52:07

Page 1 of 1

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Commissioner Pending <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input type="checkbox"/> Staff Contact
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Oral Argument		02/07/2000	Tallahassee, Room 152	2:00 PM - 3:00 PM
Prehearing Conference	03/01/2000	03/03/2000	Tallahassee, Room 152	2:30 PM - 5:00 PM
Hearing		03/20/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/21/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/22/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	PD		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	PD		
X			A				

Prehearing Officer

Commissioners					
GR	DS	CL	JC	PD	ADM

Commissioners					
GR	DS	CL	JC	PD	ADM
			X		

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: Only Change is an Oral Argument for Com JC only.

Section 1 - Division of Records and Reporting (RAR) Completes

Official Filing Date: _____
Last Day to Suspend: _____

Expiration: _____

ADM	AFA	APP	CAF	CMU	(EAG)	GCL	LEG	RAR	PAI	WAW
	X				X		X			

Time Schedule

Staff Assignments

Staff Counsel C Keating

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Full Commission X Commission Panel _____
Hearing Examiner Staff _____

Date filed with RAR: 02/15/2000

Initials: OPR _____
Staff Counsel _____

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Due Dates

Previous Current

1. Testimony - Intervenor/Staff (Non-Nesbitt)	NONE	02/18/2000
2. Prehearing Statements	NONE	02/25/2000
3. Testimony - Intervenor/Staff (Nesbitt)	NONE	02/28/2000
4. Draft Prehearing Order	NONE	02/29/2000
5. Prehearing	NONE	03/03/2000
6. Testimony - Rebuttal (Non-Nesbitt)	NONE	03/03/2000
7. Testimony - Rebuttal (Nesbitt)	NONE	03/10/2000
8. Transcripts Due - Prehearing	NONE	03/10/2000
9. Prehearing Order	NONE	03/15/2000
10. Hearing 3/20-22/2000	NONE	03/20/2000
11. Transcripts - Daily - Hearing	NONE	03/23/2000
12. Briefs Due	NONE	04/10/2000
13. Staff Recommendation	NONE	05/04/2000
14. Agenda - Regular	NONE	05/16/2000
15. Standard Order	NONE	06/05/2000
16. Close Docket or Revise CASR	NONE	07/10/2000
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Assignments are as follows:

- Prehearing Officer

Commissioners					ADM
GR	DS	CL	JN	JC	
				X	

Approved: W. J. [Signature] CSRA

Date: 02/16/2000

Case Scheduling/Rescheduling Advice

Printed on 03/21/2000 at 14:31

Page 1 of 1

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Cochran
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Oral Argument		02/07/2000	Tallahassee, Room 152	2:00 PM - 3:00 PM
Prehearing Conference	03/01/2000	03/03/2000	Tallahassee, Room 152	2:30 PM - 5:00 PM
Oral Argument		03/15/2000	Tallahassee, Room 148	9:30 AM - 1:02 PM
Hearing		03/20/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/21/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		03/22/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		
X			A				

Prehearing Officer

Commissioners					
GR	DS	CL	JC	JB	ADM

Commissioners					
GR	DS	CL	JC	JB	ADM
			X		

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: Change: Oral Argument for Com JC on 3/15/2000.

Case Scheduling/Rescheduling Advice

Printed on 04/07/2000 at 09:05

Page 1 of 2

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Cochran
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Oral Argument		02/07/2000	Tallahassee, Room 152	2:00 PM - 3:00 PM
Prehearing Conference	03/01/2000	03/03/2000	Tallahassee, Room 152	2:30 PM - 5:00 PM
Oral Argument		03/15/2000	Tallahassee, Room 148	9:30 AM - 1:02 PM
Hearing		03/20/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing	03/21/2000	10/18/2000	Tallahassee, Room 148	10:00 AM - 5:00 PM
Hearing	03/22/2000	10/19/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		
X			A				

Prehearing Officer

Commissioners					
GR	DS	CL	JC	JB	ADM

Commissioners					
GR	DS	CL	JC	JB	ADM
			X		

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: Change: New hearing set for Oct-18-20.

Case Scheduling/Rescheduling Advice

Printed on 04/07/2000 at 09:05

Page 2 of 2

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Cochran
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing		10/20/2000	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		
X			A				

Prehearing Officer

Commissioners					
GR	DS	CL	JC	JB	ADM

Commissioners					
GR	DS	CL	JC	JB	ADM
			X		

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks:

Change: New hearing set for Oct-18-20.

Case Scheduling/Rescheduling Advice

Last Revised 05/16/2000 at 15:16

Page 1 of 1

Printed on 05/16/2000 at 16:56

To:

<input checked="" type="checkbox"/> Commissioner Deason <input checked="" type="checkbox"/> Commissioner Clark <input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Technical <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Auditing & Financial Analysis Director <input type="checkbox"/> Telecommunications Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input checked="" type="checkbox"/> Electric & Gas Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Water & Wastewater Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - Cochran
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From: Office of Chairman Joe Garcia

Docket Number: 991462-EU

Docket Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing	10/18/2000	Cancelled	Tallahassee, Room 148	10:00 AM - 5:00 PM
Hearing	10/19/2000	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing	10/20/2000	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM

2. Hearing/Prehearing Assignment Information

Former Assignments

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	GR	DS	CL	JC	JB		
X			X				

Prehearing Officer

Commissioners					
GR	DS	CL	JC	JB	ADM

Commissioners					
GR	DS	CL	JC	JB	ADM
			X		

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: Change: New hearing set for Oct-18-20. Held in abeyance pending Fla. Supreme Court decision. Note #9 on 5/16/00 Agenda.

Section 1 - Division of Records and Reports (RAR) Completes

ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR RGO (SER) WAW
X X X

* COMPLETED EVENTS

Case Assignment and Scheduling Record

Section 1 - Division of Records and Report (RAR) Completes

Docket No. 991462-EU Date Docketed: 09/24/1999 Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.
 Company: Okeechobee Generating Company, L.L.C.

Official Filing Date: _____
 Last Day to Suspend: _____

Expiration: _____

Referred to:
 ("() " indicates OPR)

ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR RGO (SER) WAW
 _____ X _____ X _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B2(a)

Staff Assignments

OPR Staff M Haff, J Bream

 Staff Counsel C Keating

 OCRs (ECR) P Lester

 (CMP) W Makin

 () _____

 () _____

 () _____

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
 Current CASR revision level**

Due Dates

Previous Current

4	1. Staff Recommendation	NONE	04/05/2001
	2. Agenda	NONE	04/17/2001
	3. Standard Order	NONE	05/07/2001
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 03/28/2001

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
X							

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
X					

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]

Date: 03/28/2001

W

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reports (RAR) Completes

Docket No. 991462-EU Date Docketed: 09/24/1999 Title: Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C.
Company: Okeechobee Generating Company, L.L.C.

Official Filing Date: _____
Last Day to Suspend: _____ Expiration: _____

Referred to: _____
ADM AFA APP CAF CMP CMU EAG ECR GCL LEG PAI RAR RGO (SER) WAW
("()") indicates OPR _____ X _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B2(a)

Staff Assignments

OPR Staff M Haff, J Breman

Staff Counsel C Keating

OCRs (ECR) P Lester

(CMP) W Makin

() _____

() _____

() _____

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.
IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770
Current CASR revision level**

Due Dates

Previous Current

1. Staff Recommendation	04/05/2001	04/19/2001
2. Agenda	04/17/2001	05/01/2001
3. Standard Order	05/07/2001	05/21/2001
4. Close Docket or Revise CASR	NONE	06/22/2001
5. _____		
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with RAR: 04/06/2001

Initials: OPR _____
Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
X							

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
X					

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: [Signature]

Date: 04/06/2001

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

September 27, 1999

Jon C. Moyle, Jr., Esquire
Moyle Law Firm
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Re: Docket No. 991462-EU

Dear Mr. Moyle:

This will acknowledge receipt of a petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C., which was filed in this office on September 24, 1999 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission

cc: Robert Scheffel Wright, Esquire



M E M O R A N D U M

RECEIVED-FPSC

SEPTEMBER 30, 1999

99 SEP 30 AM 10:20

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK RVE

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

Attached is a NOTICE OF COMMENCEMENT OF PROCEEDING FOR
DETERMINATION OF NEED FOR PROPOSED ELECTRICAL POWER PLANT to be
issued in the above-referenced docket. (Number of pages - 2).

WCK/

Attachment

cc: Division of Electric and Gas

Division of Auditing and Financial Analysis

I:\991462nc.wck

103/7



FECA

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway
P.O. Box 590
Tallahassee, Florida 32302
(850) 877-6166
FAX: (850) 656-5485

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
99 OCT -4 AM 9:38
MAIL ROOM

RECORDS AND
REPORTING

RECEIVED-FPSC
99 OCT -4 PM 12:06

September 30, 1999

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

Dear Ms. Bayo:

Please accept this letter as our official request to be put on the mailing list for the following docket(s):

Docket No. 991462-EU

Thank you for your assistance in this matter.

Sincerely,

Michelle Hershel
Director of Regulatory
Services

MH/hd

Done 10/04/99

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
99 OCT -7 AM 8:29
MAIL ROOM

OF COUNSEL:
CHARLES F. DUDLEY

STEPHEN A. ECENIA
JOHN R. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
J. STEPHEN MENTON
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

GOVERNMENTAL CONSULTANTS:
PATRICK R. MALOY
AMY J. YOUNG

October 5, 1999

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
99 OCT -7 AM 10:26
RECORDS AND
REPORTING

Re: Florida PSC Docket No. 991462-EU

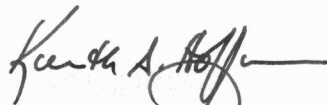
Dear Ms. Bayo:

The undersigned is interested in the above-referenced docket. Please provide copies of all notices, CASRs, orders, staff recommendations, pleadings and other documents filed, served or issued in the above-referenced docket to the following:

Kenneth A. Hoffman, Esq.
John R. Ellis, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302-0551
(850) 681-6788 (phone)
(850) 681-6515 (fax)

Thank you for your assistance in this matter.

Sincerely,



Kenneth A. Hoffman

KAH/rl

Done 10/11/99

M E M O R A N D U M

OCTOBER 11, 1999

RECEIVED-FPSC

99 OCT 11 PM 1:42

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (KEATING) WCK RVE
RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

Attached is a NOTICE OF NEED DETERMINATION HEARING AND
PREHEARING CONFERENCE ON PROPOSED ELECTRICAL POWER PLANT to be
issued in the above-referenced docket. (Number of pages in Notice
- 5)

WCK

Attachment

cc: Division of Electric and Gas (Haff, Goad)

I:\991462nh.wck

See 1

permed - 85/15.
mailed -

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

October 11, 1999

VIA FAX NO. 863-763-7949

Okeechobee News
Attention: Joy Parrish
P.O. Box 639
Okeechobee, Florida 34973

Re: Publication of notice of hearing in Docket No. 991462-EU

Dear Ms. Parrish:

Enclosed is a notice for publication as a quarter-page display ad in the **Sunday, October 17, 1999**, edition of the *Okeechobee News*.

The **bill** for publication of the notice should be sent to our Division of Administration (ATTN: Fiscal Section) at the address printed below. The **proof of publication** should be sent directly to me.

Please fax a copy of the notice to me for proofing before it is published. My fax number is 850-413-7118.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Cochran Keating, Division of Legal Services
Jon Moyle
Schef Wright



BLACK & VEATCH

8400 Ward Parkway
P.O. Box 8405
Kansas City, Missouri 64114

Tel: (913) 458-2000

Black & Veatch Corporation

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
99 OCT 11 AM 9:01
MAIL ROOM

October 7, 1999

Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Attention: Ms. Blanca S. Bayo
Director

Dear Ms. Bayo:

I would like to be placed on the interested person list for Docket No. 991462-EU, Petition for Determination of Need for an Electrical Power Plant in Okeechobee County by Okeechobee Generating Company, LLC, since I am doing need for power work for several Florida utilities.

My mailing address is:

Myron Rollins
Black & Veatch
P. O. Box 8405
Kansas City, MO 64114
913-458-7432

RECEIVED-FPSC
99 OCT 11 AM 11:20
RECORDS AND
REPORTING

Very truly yours,

BLACK & VEATCH

Myron R. Rollins

Done 10/12/99

M E M O R A N D U M

October 12, 1999

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (KEATING) *WCK* *R*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

RECEIVED-PRSC
53 OCT 12 PM 3:41
RECORDS AND
REPORTING

2002-PCD

Attached is an ORDER ESTABLISHING PROCEDURE to be issued in
the above-referenced docket. (Number of pages in order - 9)

WCK

Attachment

cc: Division of Electric and Gas (Haff, Goad)

I:991462ep.wck

foxed - 3/4
Wanted

MUST GO TODAY

RICHARD A. ZAMBO, P.A.

ATTORNEYS AND COUNSELLORS
598 S.W. HIDDEN RIVER AVENUE
PALM CITY, FLORIDA 34990
Phone (561) 220-9163
FAX (561) 220-9402

REGISTERED PROFESSIONAL ENGINEER
REGISTERED PATENT ATTORNEY

COGENERATION & NON-UTILITY GENERATION
ENERGY REGULATORY LAW

Via FAX and U.S. Mail

MEMORANDUM

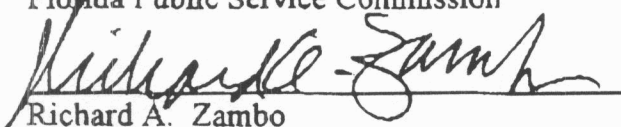
October 13, 1999

RECEIVED-FRSC
OCT 13 PM 5:01
RECORDS AND
REPORTING

TO: Ms. Blanca S. Bayó, Director
Division of Records & Reporting
Florida Public Service Commission

Fax: (850) 413-7118

FROM:


Richard A. Zambo
Florida Bar No. 312525

RE: *Request to add name to list of "Parties of Record and Interested Persons"*

Please add Rich Zambo, of the law firm of Richard A. Zambo, P.A., to the list of "interested parties" in the Commission Dockets identified below. Mr. Zambo represents the Florida Industrial Cogeneration Association (FICA). If you have questions or require further information, please notify this office.

Docket No. 991526-EQ

Petition of Florida Power Corporation for approval of standard offer contract

Docket No. 991487-EI

Request by Gulf Power Company for approval of prospective reduction in authorized rate of return

Docket No. 991462-EU

Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, LLC

Docket No. 99183-EQ

Petition for approval of standard offer contract for the purchase of firm capacity and energy from certain small qualifying facilities by Gulf Power Company

Done 10/14/99

M E M O R A N D U M

November 4, 1999

RECEIVED-FPSC

99 NOV -4 AM 10:17

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C

PCO 2153

Attached is an Order Granting Motions to Intervene and Denying
Motion to Strike to be issued in the above-referenced docket.
(Number of pages in order - 4)

WCK/cc
Attachment
cc: Division of Electric and Gas
I:991462io.wck

MUST GO TODAY

10/4

✓
M E M O R A N D U M

November 8, 1999

RECEIVED-FPSC

99 NOV -8 AM 10:43

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF
NEED FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY
BY OKEECHOBEE GENERATING COMPANY, L.L.C

2165 - PCD

Attached is a REVISED ORDER ESTABLISHING PROCEDURE to be
issued in the above-referenced docket. (Number of pages in Order
- 3)

MUST GO TODAY

WCK
Attachment
cc: Division of Electric and Gas
I:991462rp.wck

✓
*pg. 2
3 places no "jr."
Should have been sign. pg. 1
remember you called last wk.*

*faxed
mailed - 10/4*

M E M O R A N D U M

November 8, 1999

RECEIVED-FPSC

99 NOV -8 AM 10:43

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF
NEED FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY
BY OKEECHOBEE GENERATING COMPANY, L.L.C

2166-PCO

Attached is an ORDER ESTABLISHING EXPEDITED DISCOVERY SCHEDULE
to be issued in the above-referenced docket. (Number of pages in
order - 4)

MUST GO TODAY

WCK/cc
Attachment
cc: Division of Electric and Gas
I:991462xo.wck

J
pg 2 JR, could fix.
what about pg 3 2 times
no JR.

11/8/99

**FPL REFERENCED DOCUMENTS
FOR ORAL ARGUMENT
DOCKET NO. 991462-EU**

*Handout by
FPL at 11/16/99
conference - Item 54*

1. Rule 25-22.082, Fla. Admin. Code
2. Rule 25-22.071(1)(b) Fla. Admin. Code
3. §366.02(2) Definition and §403.503(4)&(13) Definition
§403.519
4. Petition by Fla. Power Corp. For Waiver of Rule 25-
22.082, FAC., Selection of Generating Capacity
Notice of Proposed Agency Action Order
Denying Petition for Rule Waiver/PSC-99-
0232-FOF-EI (February 9, 1999)
5. §120.542 Variances and Waivers
6. Docket No. 921288-EU "Bidding Rule"
Staff Recommendation - Item #8

investor-owned utility and a nonutility generator, the petition shall include a discussion of the potential for increases or decreases in the utility's cost of capital, the effect of the seller's financing arrangements on the utility's system reliability, any competitive advantage the financing arrangements may give the seller and the seller's fuel supply adequacy.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 403.519 FS. History—New 12-22-81, Formerly 25-2.133, 25-22.81, Amended 1-10-94.

ANNOTATIONS

Need determination proceeding

FPSC denied respondents' motion to dismiss joint petition and motion to dismiss proceedings and granted the joint petition for determination of need for an electrical power plant in Volusia County. Respondent failed to establish that the joint petition did not satisfy the provisions of Rule 25-22.081, F.A.C. The rule specifically allows a need determination proceeding to be brought on a basis other than megawatt need, which is what the joint petition proposed. Accordingly, the petition is supported by the rule. In re: Joint petition for determination of need for an electrical power plant in Volusia County by the Utilities Commission, 99 FPSC 3:401 (1999).

25-22.082 Selection of Generating Capacity.

(1) Definitions. For the purpose of this rule, the following terms shall have the following meaning:

(a) Next Planned Generating Unit: the next generating unit addition planned for construction by an investor-owned utility that will require certification pursuant to Section 403.519, Florida Statutes.

(b) Request for Proposals (RFP): a document in which an investor-owned utility publishes the price and non-price attributes of its next planned generating unit in order to solicit and screen, for subsequent contract negotiations, competitive proposals for supply-side alternatives to the utility's next planned generating unit.

(c) Participant: a potential generation supplier who submits a proposal in compliance with both the schedule and informational requirements of a utility's RFP. A participant may include utility and non-utility generators as well as providers of turnkey offerings and other utility supply side alternatives.

(d) Finalist: one or more participants selected by the utility with whom to conduct subsequent contract negotiations.

(2) Prior to filing a petition for determination of need for an electrical power plant pursuant to Section 403.519, Florida Statutes, each investor-owned electric utility shall evaluate supply-side alternatives to its next planned generating unit by issuing a Request for Proposals (RFP).

(3) Each investor-owned utility shall provide timely notification of its issuance of an RFP by publishing public notices in major newspapers, periodicals and trade publications to ensure statewide and national circulation. The public notice given shall include, at a minimum:

(a) the name and address of the contact person from whom an RFP package may be requested;

(b) a general description of the utility's next planned generating unit, including its planned in-service date, MW size, location, fuel type and technology; and

(c) a schedule of critical dates for the solicitation, evaluation, screening of proposals and subsequent contract negotiations.

(4) Each utility's RFP shall include, at a minimum:

(a) a detailed technical description of the utility's next planned generating unit or units on which the RFP is based, as well as the financial assumptions and parameters associated with it, including, at a minimum, the following information:

1. a description of the utility's next planned generating unit(s) and its proposed location(s);

2. the MW size;

3. the estimated in-service date;

4. the primary and secondary fuel type;

5. an estimate of the total direct cost;

6. an estimate of the annual revenue requirements;

7. an estimate of the annual economic value of deferring construction;

8. an estimate of the fixed and variable operation and maintenance expense;

9. an estimate of the fuel cost;

10. an estimate of the planned and forced outage rates, heat rate, minimum load and ramp rates, and other technical details;

11. a description and estimate of the costs required for associated facilities such as gas laterals and transmission interconnection;

12. a discussion of the actions necessary to comply with environmental requirements; and

13. a summary of all major assumptions used in developing the above estimates;

(b) a schedule of critical dates for solicitation, evaluation, screening of proposals and subsequent contract negotiations;

(c) a description of the price and non-price attributes to be addressed by each alternative generating proposal including, but not limited to:

1. technical and financial viability;

2. dispatchability;

3. deliverability (interconnection and transmission);

4. fuel supply;

5. water supply;

6. environmental compliance;

7. performance criteria;

8. pricing structure; and

(d) a detailed description of the methodology to be used to evaluate alternative generating proposals on the basis of price and non-price attributes.

(5) As part of its RFP, the utility shall require each participant to publish a notice in a newspaper of general circulation in each county in which the participant's proposed generating facility would be located. The notice shall be at least one-quarter of a page and shall be published no later than 10 days after the date that proposals are due. The notice shall state that the participant has submitted a proposal to build an electrical power plant, and

shall include the name and address of the participant submitting the proposal, the name and address of the utility that solicited proposals, and a general description of the proposed power plant and its location.

(6) Within 30 days after the utility has selected finalists, if any, from the participants who

responded to the RFP, the utility shall publish notice in a newspaper of general circulation in each county in which a finalist has proposed to build an electrical power plant. The notice shall include the name and address of each finalist, the name and address of the utility, and a general description of each proposed power plant,

including its location, size, fuel type, and associated facilities.

(7) Each electric utility shall file a copy of its RFP with the Commission.

(8) The Commission shall not allow potential suppliers of capacity who were not participants to contest the outcome of the selection process in a power plant need determination proceeding.

(9) The Commission may waive this rule or any part thereof upon a showing that the waiver would likely result in a lower cost supply of electricity to the utility's general body of ratepayers, increase the reliable supply of electricity to the utility's general body of ratepayers, or is otherwise in the public interest.

Specific Authority 350.127(2), 366.05(1), 366.051 FS. Law Implemented 403.519, 366.051 FS. History—New 1-10-94.

25-22.090 Natural Gas Transmission Pipeline Permitting Proceedings.

(1) Proceedings to determine the need for a proposed natural gas transmission pipeline pursuant to section 403.9422, Florida Statutes, shall begin with a petition filed by a new or existing natural gas transmission pipeline company or an order issued on the Commission's own motion and shall be disposed of as provided in Chapter 25-22, Florida Administrative Code, except that the time deadlines and notice requirements in section 403.9422, Florida Statutes, shall control. Proceedings may begin whether or not an application for corridor site certification of a proposed natural gas transmission pipeline pursuant to sections 403.9401 through 403.9425, Florida Statutes, is pending.

(a) In order for the Commission to have sufficient information to provide the 45 days notice of final hearing required by section 403.9422, Florida Statutes, a natural gas transmission pipeline company that intends to petition for a natural gas transmission pipeline need determination may file a Notice of Intent to File Petition for Natural Gas Transmission Pipeline Need Determination at least 30 days prior to the filing of a petition. The notice of intent shall identify the proposed beginning and ending points of the natural gas transmission pipeline, and the counties, regional planning councils, and water management districts in whose jurisdiction the natural gas transmission pipeline could be placed. The notice of intent shall further specify the date on which the natural gas transmission pipeline company reasonably expects to file the petition for need determination.

(b) If the Commission does not receive a Notice of Intent to File Petition for Natural Gas Transmission Pipeline Need Determination at least 30 days prior to the filing of a petition, or does not receive the petition within 5 days after the date specified in the notice of intent, the Commission shall have good cause, pursuant to section 403.9422(3), Florida Statutes, to extend the time for conduct of the hearing for 30 days.

(2) Upon receipt of a Notice of Intent to File Petition for Natural Gas Transmission Pipeline Need Determination or a petition by a natural gas

transmission pipeline company, whichever occurs first, or upon issuance of an order pursuant to subsection (1), the Commission shall schedule a hearing and shall give notice of the proceeding to:

(a) All interstate and intrastate natural gas transmission companies within Florida and all electric and natural gas utilities;

(b) The Department of Community Affairs;

(c) The Department of Environmental Protection;

(d) Each person who has requested placement on the mailing list for receipt of such notice;

(e) The counties, water management districts, and regional planning councils in whose jurisdiction the natural gas transmission pipeline could be placed;

(f) The Game and Fresh Water Fish Commission;

(g) The Department of Transportation; and

(h) The Department of State, Division of Historical Resources.

(3) The Commission shall also publish notice of the hearing at least 45 days before the hearing date in the Florida Administrative Weekly.

(4) The natural gas transmission pipeline company shall publish notice of the hearing at least 45 days before the hearing date in newspapers of general circulation in each county where the natural gas transmission pipeline may be placed. Every notice published in a newspaper shall be at least one-quarter page in size. A copy of each newspaper notice, which includes the date of publication, shall be filed with the Division of Records and Reporting at least 30 days prior to the hearing date.

Specific Authority 350.127(2), 403.9422(2) FS. Law Implemented 403.9422 FS. History—New 1-25-95.

25-22.091 Contents of Petition. Petitions submitted to commence a determination of need proceeding or responses to the Commission's order commencing a proceeding shall comply with the other requirements of Chapter 25-22, Florida Administrative Code, as to form and style, and shall contain the following information:

(1) Identification of existing natural gas transmission pipelines including a general description and map of all existing, all Florida Public Service Commission (FPSC) or Federal Energy Regulatory Commission (FERC) approved but not yet in service and all proposed natural gas transmission pipelines, including laterals, within any Florida county in which the proposed project will be located.

(2) Description of proposed natural gas transmission pipeline, ownership and financial information including:

(a) Project name and ownership, including all company officers, their addresses and phone numbers, and all corporate affiliations.

(b) Copies of the annual reports to shareholders and 10K Reports to the Securities and Exchange Commission for the last three years for each of the principal companies involved in the project. If annual reports for any of the companies are not

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from the power plant to the first structure on an existing transmission system.

(4) "Potential Sites" are sites within the state that an electric utility is considering for possible location of a power plant, a power plant alteration, or an addition resulting in an increase in generating capacity.

(5) "Preferred Sites" are sites within the state on which an electric utility intends to construct a power plant, a power plant alteration, or an addition resulting in an increase in generating capacity.

Specific Authority 350.127(2), 186.801(4) FS. Law Implemented 186.801, 366.04(5) FS. History—New 11-10-97.

25-22.071 Submission and Review of the Ten-Year Site Plans.

(1) Filing Requirements:

(a) All electric utilities in the State of Florida with existing generating capacity of 250 megawatt (mW) or greater shall prepare a ten-year site plan, and submit 25 copies to the Florida Public Service Commission's Division of Records and Reporting on the first working day of April of each year, unless extended. The plan shall date from December 31 of the prior calendar year.

(b) Any electric utility, other than those filing ten-year site plans pursuant to (1)(a), that elects to construct an additional generating facility exceeding 75 mW gross generating capacity shall prepare a ten-year site plan, and submit 25 copies to the Public Service Commission's Division of Records and Reporting in the year the decision to construct is made or at least three years prior to application for site certification, and every year thereafter until the facility becomes fully operational.

(2) The Commission will provide a copy of the ten-year site plans to appropriate federal, state, and local agencies, water management districts, and regional planning councils.

(3) The Commission will solicit comments from various federal, state, and local agencies, water management districts, and regional planning councils regarding the individual utility ten-year site plans. Any written comments shall be filed with the Commission within 90 days from the date of receipt of the plans. The state agencies from which comments will be solicited will include:

- (a) The Department of Environmental Protection.
- (b) The Department of Transportation.
- (c) The Department of Agriculture and Consumer Services.
- (d) The Department of Health.
- (e) The Game and Fresh Water Fish Commission.
- (f) The Board of Trustees of the Internal Improvement Trust Fund.
- (g) The Department of Community Affairs.

(4) The Commission will complete its review of the plans within nine months following submission and will report its findings, along with any comments or recommendations, to the Florida Department of Environmental Protection and the

utilities filing a plan. Other agencies to which the Commission sent the plan for review, and other entities may request a copy of the review from the Division of Electric and Gas, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(5) Plans that have been previously classified by the Commission as unsuitable may be classified suitable based on additional data.

(6) The electric utilities in Florida shall compile aggregate statewide and peninsular Florida (the area east of the Apalachicola River) data derived from individual electric utility plans and shall submit this data to the Commission by July 1 of each year.

Specific Authority 350.127(2), 186.801(4) FS. Law Implemented 186.801, 366.04(5), 366.05(7) FS. History—New 11-10-97.

25-22.072 Contents of Ten-Year Site Plans.

(1) Individual electric utility ten-year site plans required by Rule 25-22.071 shall include at a minimum the information listed in Form PSC/EAG 43. Form PSC/EAG 43 (11/97), entitled "Electric Utility Ten-Year Site Plan Information and Data Requirements," is incorporated by reference into this rule and is available from the Division of Electric and Gas.

(2) When an application for certification of a preferred site for a proposed facility has been filed with the Department of Environmental Protection, no further environmental or land use data shall be submitted to the Commission for that site.

Specific Authority 350.127(2), 186.801(4) FS. Law Implemented 186.801, 366.04(5), 366.05(7) FS. History—New 11-10-97.

PART VI PERMITTING PROCEEDINGS

25-22.075 Transmission Line Permitting Proceedings.

(1) Proceedings to determine the need for a proposed transmission line as defined in Section 403.522(21), F.S., shall begin with a petition by a utility or an order issued on the Commission's own motion and shall be disposed of as provided in Chapter 25-22, F.A.C., except that the time deadlines and notice requirements in Section 403.537, F.S., shall control. Proceedings may begin whether or not an application for corridor site certification of a proposed transmission line pursuant to Sections 403.52 through 403.5365, F.S., is pending. A petition for reconsideration shall be filed within 5 days of the Commission's decision.

(a) In order for the Commission to have sufficient information to provide the 45 days notice of final hearing required by Section 403.537, F.S., a utility that intends to petition for a transmission line need determination may file a Notice of Intent to File Petition for Transmission Line Need Determination at least 30 days prior to the filing of a petition. The notice of intent shall identify the proposed beginning and ending points of the transmission line, and the counties, regional planning councils, and water management districts in whose jurisdiction the transmission line could be placed. The notice of intent shall further specify

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CHAPTER 366

PUBLIC UTILITIES

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366.01 Legislative declaration.—The regulation of public utilities as defined herein is declared to be in the public interest and this chapter shall be deemed to be an exercise of the police power of the state for the protection of the public welfare and all the provisions hereof shall be liberally construed for the accomplishment of that purpose.

History.—s. 1, ch. 26545, 1951; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 16, ch. 80-35; s. 2, ch. 81-318; ss. 20, 22, ch. 89-292; s. 4, ch. 91-429.

366.015 Interagency liaison.—The commission is directed to provide for, and assume primary responsibility for, establishing and maintaining continuous liaison with all other appropriate state and federal agencies whose policy decisions and rulemaking authority affect those utilities over which the commission has primary regulatory jurisdiction. This liaison shall be con-

ducted at the policymaking levels as well as the department, division, or bureau levels. Active participation in other agencies' public hearings is encouraged to transmit the commission's policy positions and information requirements, in order to provide for more efficient regulation.

History.—s. 6, ch. 74-196; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 16, ch. 80-35; s. 2, ch. 81-318; ss. 20, 22, ch. 89-292; s. 4, ch. 91-429.

366.02 Definitions.—As used in this chapter:

(1) "Public utility" means every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state; but the term "public utility" does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; any dependent or independent special natural gas district; any natural gas transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which neither owns nor operates natural gas transmission or distribution facilities within the state; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.

(2) "Electric utility" means any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state.

(3) "Commission" means the Florida Public Service Commission.

History.—s. 2, ch. 26545, 1951; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 16, ch. 80-35; s. 2, ch. 81-318; ss. 1, 20, 22, ch. 89-292; s. 4, ch. 91-429; s. 14, ch. 92-284.

366.03 General duties of public utility.—Each public utility shall furnish to each person applying therefor reasonably sufficient, adequate, and efficient service upon terms as required by the commission. No public utility shall be required to furnish electricity or gas for resale except that a public utility may be required to furnish gas for containerized resale. All rates and charges made, demanded, or received by any public utility for any service rendered, or to be rendered by it, and each rule and regulation of such public utility, shall be fair and reasonable. No public utility shall make or give any undue or unreasonable preference or advantage to any person or locality, or subject the same to any undue or unreasonable prejudice or disadvantage in any respect.

History.—s. 3, ch. 26545, 1951; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 16, ch. 80-35; s. 2, ch. 81-318; ss. 1, 15, ch. 82-25; ss. 20, 22, ch. 89-292; s. 4, ch. 91-429.

- 403.515 Availability of information.
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- 403.5175 Existing electrical power plant site certification.
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- 403.539 Certification admissible in eminent domain proceedings; attorney's fees and costs.

403.501 Short title.—Sections 403.501-403.518 shall be known and may be cited as the "Florida Electrical Power Plant Siting Act."

History.—s. 1, ch. 73-33; s. 1, ch. 76-76; s. 1, ch. 90-331.

403.502 Legislative intent.—The Legislature finds that the present and predicted growth in electric power demands in this state requires the development of a procedure for the selection and utilization of sites for electrical generating facilities and the identification of a state position with respect to each proposed site. The Legislature recognizes that the selection of sites and the routing of associated transmission lines will have a significant impact upon the welfare of the population, the location and growth of industry, and the use of the natural resources of the state. The Legislature finds that the efficiency of the permit application and review process at both the state and local level would be improved with the implementation of a process whereby a permit application would be centrally coordinated and all permit decisions could be reviewed on the

basis of standards and recommendations of the deciding agencies. It is the policy of this state that, while recognizing the pressing need for increased power generation facilities, the state shall ensure through available and reasonable methods that the location and operation of electrical power plants will produce minimal adverse effects on human health, the environment, the ecology of the land and its wildlife, and the ecology of state waters and their aquatic life and will not unduly conflict with the goals established by the applicable local comprehensive plans. It is the intent to seek courses of action that will fully balance the increasing demands for electrical power plant location and operation with the broad interests of the public. Such action will be based on these premises:

(1) To assure the citizens of Florida that operation safeguards are technically sufficient for their welfare and protection.

(2) To effect a reasonable balance between the need for the facility and the environmental impact resulting from construction and operation of the facility, including air and water quality, fish and wildlife, and the water resources and other natural resources of the state.

(3) To meet the need for electrical energy as established pursuant to s. 403.519.

History.—s. 1, ch. 73-33; s. 2, ch. 90-331.

403.503 Definitions.—As used in this act:

(1) "Act" means the Florida Electrical Power Plant Siting Act.

(2) "Agency," as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government, including a regional or local governmental entity.

(3) "Amendment" means a material change in the information provided by the applicant to the application for certification made after the initial application filing.

(4) "Applicant" means any electric utility which applies for certification pursuant to the provisions of this act.

(5) "Application" means the documents required by the department to be filed to initiate a certification proceeding and shall include the documents necessary for the department to render a decision on any permit required pursuant to any federally delegated or approved permit program.

(6) "Board" means the Governor and Cabinet sitting as the siting board.

(7) "Certification" means the written order of the board approving an application in whole or with such changes or conditions as the board may deem appropriate.

(8) "Completeness" means that the application has addressed all applicable sections of the prescribed application format, but does not mean that those sections are sufficient in comprehensiveness of data or in quality of information provided.

(9) "Corridor" means the proposed area within which an associated linear facility right-of-way is to be located. The width of the corridor proposed for certification as an associated facility, at the option of the appli-

cant, may be the width of the right-of-way or a wider boundary, not to exceed a width of 1 mile. The area within the corridor in which a right-of-way may be located may be further restricted by a condition of certification. After all property interests required for the right-of-way have been acquired by the applicant, the boundaries of the area certified shall narrow to only that land within the boundaries of the right-of-way.

(10) "Department" means the Department of Environmental Protection.

(11) "Designated administrative law judge" means the administrative law judge assigned by the Division of Administrative Hearings pursuant to chapter 120 to conduct the hearings required by this act.

(12) "Electrical power plant" means, for the purpose of certification, any steam or solar electrical generating facility using any process or fuel, including nuclear materials, and includes associated facilities which directly support the construction and operation of the electrical power plant and those associated transmission lines which connect the electrical power plant to an existing transmission network or rights-of-way to which the applicant intends to connect, except that this term does not include any steam or solar electrical generating facility of less than 75 megawatts in capacity unless the applicant for such a facility elects to apply for certification under this act. An associated transmission line may include, at the applicant's option, any proposed terminal or intermediate substations or substation expansions connected to the associated transmission line.

(13) "Electric utility" means cities and towns, counties, public utility districts, regulated electric companies, electric cooperatives, and joint operating agencies, or combinations thereof, engaged in, or authorized to engage in, the business of generating, transmitting, or distributing electric energy.

(14) "Federally delegated or approved permit program" means any environmental regulatory program approved by an agency of the Federal Government so as to authorize the department to administer and issue licenses pursuant to federal law, including, but not limited to, new source review permits, operation permits for major sources of air pollution, and prevention of significant deterioration permits under the Clean Air Act (42 U.S.C. ss. 7401 et seq.), permits under ss. 402 and 404 of the Clean Water Act (33 U.S.C. ss. 1251 et seq.), and permits under the Resource Conservation and Recovery Act (42 U.S.C. ss. 6901 et seq.).

(15) "License" means a franchise, permit, certification, registration, charter, comprehensive plan amendment, development order or permit as defined in chapters 163 and 380, or similar form of authorization required by law, including permits issued under federally delegated or approved permit programs, but it does not include a license required primarily for revenue purposes when issuance of the license is merely a ministerial act.

(16) "Local government" means a municipality or county in the jurisdiction of which the electrical power plant is proposed to be located.

(17) "Modification" means any change in the certification order after issuance, including a change in the conditions of certification.

(18) "Nonprocedural requirements of agencies" means any agency's regulatory requirements established by statute, rule, ordinance, or comprehensive plan, excluding any provisions prescribing forms, fees, procedures, or time limits for the review or processing of information submitted to demonstrate compliance with such regulatory requirements.

(19) "Notice of intent" means that notice which is filed with the department on behalf of an applicant prior to submission of an application pursuant to this act and which notifies the department of an intent to file an application.

(20) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(21) "Preliminary statement of issues" means a listing and explanation of those issues within the agency's jurisdiction which are of major concern to the agency in relation to the proposed electrical power plant.

(22) "Public Service Commission" or "commission" means the agency created pursuant to chapter 350.

(23) "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the electrical power plant is proposed to be located.

(24) "Right-of-way" means land necessary for the construction and maintenance of a connected associated linear facility, such as a railroad line, pipeline, or transmission line. The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor and shall be identified by the applicant subsequent to certification in documents filed with the department prior to construction.

(25) "Site" means any proposed location wherein an electrical power plant, or an electrical power plant alteration or addition resulting in an increase in generating capacity, will be located, including offshore sites within state jurisdiction.

(26) "State comprehensive plan" means that plan set forth in chapter 187.

(27) "Sufficiency" means that the application is not only complete but that all sections are sufficient in the comprehensiveness of data or in the quality of information provided to allow the department to determine whether the application provides the reviewing agencies adequate information to prepare the reports required by s. 403.507.

(28) "Water management district" means a water management district, created pursuant to chapter 373, in the jurisdiction of which the electrical power plant is proposed to be located.

History.—s. 1, ch. 73-33; s. 1, ch. 76-76; s. 1, ch. 79-76; s. 3, ch. 81-131; s. 14, ch. 86-173; s. 22, ch. 86-186; s. 3, ch. 90-331; s. 6, ch. 93-94; s. 383, ch. 94-356; s. 134, ch. 96-410.

403.504 Department of Environmental Protection; powers and duties enumerated.—The department shall have the following powers and duties in relation to this act:

403.519 Exclusive forum for determination of need.—On request by an applicant or on its own motion, the commission shall begin a proceeding to determine the need for an electrical power plant subject to the Florida Electrical Power Plant Siting Act. The commission shall publish a notice of the proceeding in a newspaper of general circulation in each county in which the proposed electrical power plant will be located. The notice shall be at least one-quarter of a page and published at least 45 days prior to the scheduled date for the proceeding. The commission shall be the sole forum for the determination of this matter, which accordingly shall not be raised in any other forum or in the review of proceedings in such other forum. In making its determination, the commission shall take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. The commission shall also expressly consider the conservation measures taken by or reasonably available to the applicant or its members which might mitigate the need for the proposed plant and other matters within its jurisdiction which it deems relevant. The commission's determination of need for an electrical power plant shall create a presumption of public need and necessity and shall serve as the commission's report required by s. 403.507(2)(a)2. An order entered pursuant to this section constitutes final agency action.

History.—s. 5, ch. 80-65; s. 24, ch. 90-331.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power
Corporation for waiver of Rule 25-22.082,
FAC., selection of generating capacity.

DOCKET NO. 981360-EI
ORDER NO. PSC-99-0232-FOF-EI
ISSUED: February 9, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING PETITION FOR RULE WAIVER

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. CASE BACKGROUND

Section 403.519, Florida Statutes, commonly called the Need Determination Statute, requires that the Commission consider "whether the proposed plant is the most cost-effective alternative available" in the context of a need determination proceeding. Pursuant to Rule 25-22.082(2), Florida Administrative Code, prior to filing a petition for determination of need, each investor-owned electric utility must evaluate supply-side alternatives to its next planned generating unit by issuing a Request for Proposals (RFP). Section 120.542, Florida Statutes, provides for rule waivers when certain statutory criteria are met. Rule 25-22.082(9), Florida Administrative Code, allows the Commission to waive the RFP requirements upon a "showing that the waiver would likely result in a lower cost supply of electricity to the utility's general body of ratepayers, increase the reliable supply of electricity to the utility's general body of ratepayers, or is otherwise in the public interest." While the later expression of legislative intent in Section 120.542, Florida Statutes, supersedes the rule, this order addresses both sets of criteria.

On October 20, 1998, Florida Power Corporation (FPC) filed a request to waive Rule 25-22.082, Florida Administrative Code. FPC's requested rule waiver is based on what it believes to be unique cost, scheduling, site, environmental, and utility control advantages of constructing the second unit at its existing Hines Energy complex. As authority for its

request, FPC cites to Rule 25-22.082(9), Florida Administrative Code, as well as Section 120.542, Florida Statutes. As required by Section 120.542, Florida Statutes, notice of FPC's waiver request was published in Florida Administrative Weekly on November 13, 1998. Rule 28-104.003, Florida Administrative Code, provides for written comments on the petition for waiver to be filed within 14 days after the notice is published in Florida Administrative Weekly. Thus, the comment period was over on November 27, 1998. Since Friday, November 27, 1998 was a state holiday, the comment period expired November 30, 1998. Two interested persons filed comments. On November 30, 1998, the Electric Power Supply Association filed comments. On December 1, 1998, the Florida Industrial Cogeneration Association also filed comments. Both entities opposed the waiver request.

II. TIMELINESS OF FLORIDA INDUSTRIAL COGENERATION ASSOCIATION'S COMMENTS

On December 1, 1998, the Florida Industrial Cogeneration Association (FICA) filed comments requesting denial of the petition. By letter dated December 10, 1998, FPC suggested that FICA's comments were untimely and not entitled to consideration in this proceeding. FPC claimed the due date was November 30, 1998. In response to FPC's letter, FICA provided a Federal Express waybill showing that its comments were forwarded in time to be filed on the 30th. A delivery error appears to be responsible for the one-day delay.

We believe that the one day's lateness is not fatal to our ability to consider the comments. The comments are technically late under the Uniform Rule. However, in our opinion, the comment date is not a jurisdictional date. Further, the Federal Express waybill shows FICA's effort to assure that the comments would be timely filed. Finally, this matter is being considered as Proposed Agency Action. Thus, any interested person, including FICA, could address the Commission at the agenda conference. Having apparently acted in good faith to assert its rights, we find therefore, it is appropriate to consider FICA's comments as timely filed.

III. WAIVER OF RULE 25-22.082, FLORIDA ADMINISTRATIVE CODE

FPC has requested a waiver of Rule 25-22.082, Florida Administrative Code, in order to proceed with the certification of Hines 2, a second 500 MW combined cycle unit to be built at its existing Hines Energy complex in Polk County. In addressing the public interest aspects of their request for rule waiver, FPC has alleged that:

1. Hines 2 will be an advanced technology 500 MW combined cycle unit similar in design to Hines 1.
2. Because of concerns with recent record high summer temperatures, practical limitations experienced with the company's reliance on dispatchable DSM programs (direct load control), and the adequacy of reserves statewide, FPC has decided to accelerate the in-service date of Hines 2 from late 2004 to the summer of 2001.

3. As the second unit at an existing developed site, Hines 2 will have a scheduling and cost advantage over other supply side alternatives.
4. Hines 2 will improve the balance between company-owned generation and purchased power. Because of FPC's relatively high percentage of purchased power and the practice of major bond rating agencies to impute a portion of a utility's long-term purchased power obligations to the debt component of its capital structure, Hines 2 will help maintain the utility's debt/equity ratio.

In addition to these factors, FPC has committed not to initiate any proceeding to increase its current base rates for a period of at least five years from the unit's commercial in-service date (or through mid-2006 based on the unit's current in-service schedule).

Waiver pursuant to Section 120.542, Florida Statutes

Section 120.542, Florida Statutes, mandates threshold proofs and notice provisions for variances and waivers from agency rules. Subsection (2) of the statute states:

Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statutes will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

FPC asserts that the application of the rule in this instance creates a substantial hardship for FPC and its customers. FPC further argues that the purpose of the underlying statute will be achieved if FPC's petition is granted.

Statewide Reliability

Planned generating reserves have become questionable because of a series of unforeseen reliability modeling questions that arise primarily from the recent higher generating unit availabilities and an unprecedented reliance on load management and other non-firm loads.

Generating unit availabilities have increased from about 80 percent in 1988 to 89 percent in 1997 because of improved maintenance and spare parts practices. The higher the generating unit availabilities, the lower the reserve margin required for a given overall generating reliability. This has led to planned reserve margins being much lower than

historically acceptable levels, but still being offered as adequate. This new methodology is, as yet, untested.

FPC has relied on load management more than any other electric utility in the nation. Load management has been viewed as the functional equivalent of a peaking type generating unit. These units have a low installed cost, a lower fuel efficiency than a combined-cycle unit, and are operated only a few hundred hours per year. The 1998 summer heat wave caused the use of load management to exceed customer tolerance levels. About 46,000 FPC residential customers opted out of load management during the 1998 heat wave. This drop out translated to about 50 MW of Summer capacity. While over reliance on load management is a critical issue for FPC, we are also concerned with the extensive reliance on load management and other non-firm loads on a Peninsular Florida basis. On a Peninsular Florida basis, load management and other non-firm loads currently range from 44 to 58 percent of the reserve margin. The uncertainty as to what the reserve margin should be is exacerbated by the fact that a high percentage of the planned reserve margin is in the form of load management and other non-firm loads.

Winter 1999-2000 and winter 2000-01 have been previously identified as periods when the adequacy of state-wide reserves is uncertain. Since this facility is not expected to come on-line until approximately June 2001, it does not address these potential concerns.

Comments of Interested Persons

On November 30, 1998, the Electric Power Supply Association (EPSA) filed comments requesting that the Commission deny FPC's requested waiver. EPSA states "there is no assurance that Florida Power's construction will provide the best price for existing Florida ratepayers, who will, after Florida Power's proposed five year rate freeze, be asked to foot the bill for this project..." EPSA does not believe FPC can be assured of procuring the lowest cost reliable supply of energy absent a competitive solicitation. EPSA also believes FPC's proposal increases risk for FPC's ratepayers, exacerbates FPC's market power in the wholesale generation market and increases the possibility that FPC's ratepayers will subsidize FPC's participation in the competitive market.

On December 1, 1998, the Florida Industrial Cogeneration Association (FICA) filed comments. FICA states that Rule 25-22.082, Florida Administrative Code, was adopted at a time when the Commission amended its Cogeneration rules so that standard offers would only be available to solid waste facilities and small cogenerators (ie., no more than 100kw). FICA claims the bidding rule was intended to provide opportunities for cogenerators to sell power to utilities. FICA believes the proposed waiver is contrary to long-standing federal and state policy. FICA also suggests the absence of competitive bidding for this resource addition could create "stranded costs" or otherwise burden the ratepayers.

Decision and Analysis

As detailed below, we deny FPC's request because we do not believe FPC has demonstrated that the lowest cost generation alternative will be selected by FPC. This is one underlying purpose of Section 403.519, Florida Statutes. Although it appears the proposed

plant may represent a low cost supply of electricity and stands to increase FPC's reliability, FPC has not sufficiently demonstrated the unavailability of other equally reliable less costly utility or non-utility options. Therefore, FPC has not met the requirements of Section 120.542, Florida Statutes. Moreover, for the reasons discussed below, we also believe that it would not be in the public interest and would further be contrary to the intent of the bidding rule to approve the requested waiver.

We recognize that Peninsular Florida is facing generation reliability concerns and the proposed five year rate commitment has some potential benefit. However, the same result may be equally achieved via other utility and non-utility alternatives. It is unclear exactly how FPC would become aware of such proposals absent soliciting the market.

Rate Commitment

FPC's commitment to "not initiate any proceeding to increase its current base rates which includes the capital costs and non-fuel operating and maintenance expenses associated with Hines 2 for a period of at least five years from the unit's commercial operation date" has value, but it is limited. The company can still ask for a base rate increase through a limited proceeding for other items. The company further states that the "commitment is conditioned upon the understanding that these capital costs and non-fuel O&M expenses will be considered legitimate utility expenditures for surveillance reporting purposes when Hines 2 is placed in commercial operation." Under FPC's commitment, Hines 2 will be included for all earnings purposes except a full-fledged rate proceeding initiated by FPC. Earnings tracked by the Commission's surveillance program will include Hines 2. If any other party were to initiate a proceeding with FPC to review base rates, Hines 2 costs would also be included.

Purpose of Rule 25-22.082, Florida Administrative Code

FPC still must demonstrate the cost-effectiveness of Hines 2 relative to other alternatives during a need-determination proceeding. Recognizing this obligation, absent completing the RFP process, a utility undertakes an increased risk of having to prove the worthiness of its project during a need determination proceeding. In that situation, since the RFP process was not used to preclude likely intervenors and so-called eleventh-hour proposals, the utility and Commission alike stand to endure the same lengthy litigation experienced during the Cypress case¹.

The Cypress proceeding prompted in part the adoption of Rule 25-22.082, Florida Administrative Code. In that case, Florida Power & Light Company presented what it believed to be the most cost-effective generation alternative based on a limited selection process. Through the course of the proceeding, two additional projects contested FPL's

¹ Joint Petition to Determine Need by Cypress Energy Partners, L.P. and Florida Power and Light Company, Docket 920520-EQ, Order No. PSC-92-1355-FOF-EQ, issued 11/23/92.

choice and offered alternatives. The Commission expressed frustration that the limited selection process used by FPL to select Cypress did not facilitate the Commission's statutory responsibility to determine the most cost-effective generating unit under Section 403.519, Florida Statutes. In part the Commission stated:

In this case we find that FPL's selection process was less than optimal. FPL did not ensure that all interested parties had an equal opportunity to submit capacity proposals, but instead considered one project left over from a 1989 request for proposals (RFP) and 14 unsolicited proposed projects. As a result, FPL did not adequately consider all potential purchased power options. (Order page 16)

Any non-utility generator, having seen the price in FPL's next need petition, will be able to intervene in the need proceeding and put a better price on the table. If a need is then denied because the proposed plant is not the most cost-effective alternative available, the process could repeat itself ad infinitum, with the need never being filled, and with more cost-effective alternatives presented at each successive need determination proceeding. (Order page 17)

While it is appropriate to review generation alternatives in a need determination, it is not the most optimal method of capacity selection. Much like FPL, FPC should consider the advantages of the RFP process and avoid the potential for eleventh-hour proposals and the possibility of an unsatisfied need. Doing so would allow FPC to identify and evaluate all capacity alternatives as well as reaching closure on the issue of cost-effectiveness during the need-determination process due to the intervention preclusion. We believe such an outcome is consistent with the intent of Rule 25-22.082, Florida Administrative Code, and more importantly, is in the public interest.

FPC previously requested a certification of need for the Hines 2 unit (formerly Polk Unit 3 and 4) in Docket 910759-EI. In Order No. 25550, we held that FPC indeed had a need to construct the first two of the four requested units but that a need for the last two was premature at that time. The granted need for the first two units came in part due to FPC having "evaluated ten alternative generating plans in its Integrated Resource Study. These plans included various generating technologies, as well as purchased power options from other utilities." (page 37) In addressing the final two units, now known as Hines 2, the Hearing officer stated:

At this time, I will not make a finding on how Florida Power should meet the needs of its third and fourth units. I will not require bidding for purchased power to avoid construction of these units for two reasons: the need for the third unit is not mature, and we have no policy or rules requiring bidding. However, Florida Power should reevaluate all of the options for meeting the needs of the third and fourth units before requesting

certification in order to ensure that it chooses the most cost-effective option.
(page 40)

But for the maturity of the need and the lack of a bidding rule, it is our belief the Hearing officer had every intention to require FPC to "reevaluate all of the options" before granting the second part of FPC's requested need. This requirement is still appropriate. According to its petition, FPC now believes that the need for the remaining two units is mature. Likewise, since 1994, this Commission has had a rule requiring bidding.

As a general matter of policy, we believe that bypassing the RFP process ultimately contributes to stifling the economic benefits of competitive generation in Florida. If in fact Hines Unit 2 is the most cost-effective alternative for FPC's ratepayers, this would be confirmed during the initial stages of the RFP process. However, if this is not the case, this too would be confirmed and the process will have worked as originally intended.

We also note that our decision rendered in this matter is, and must be, issued as proposed agency action. If the waiver request were granted, persons whose substantial interests are affected by the decision could request a hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. This process could reasonably be expected to take between four and six months. This would, in large measure, eliminate any time advantage obtained via the waiver.

Moreover, Rule 25-22.082(8) Florida Administrative Code, precludes participation in the subsequent need determination proceeding by non-bidders in a RFP process. Granting the requested waiver would render that provision inapplicable, thus making the need determination proceeding potentially more complex.

Timing

Though presented as new information, it appears that FPC has known of its near-term need for additional capacity resources since the early part of this year. An RFP solicitation procedure takes about six to nine months to complete, thereby delaying the in-service date of a generating unit by at least one summer or winter peak demand season. This realization should have prompted FPC to start the RFP process at that point in time. Having done so, finalization would be very near complete and FPC would be concentrating its efforts on a determination of need instead of requesting the instant waiver.

FPC's current Ten Year Site Plan (TYSP) filed in April of 1998 indicated that its next planned generation addition, known as Hines 2, was a 487 MW combined cycle unit to be ready for commercial operation by November 2004. FPC's TYSP also indicated that it expected to drop below its 15 percent winter reserve margin criterion in the year 2000/01. FPC explained that it intended on covering this shortfall with short-term power purchases. FPC was also aware of the potential termination of the 75 MW Panda-Kathleen, L.P. standard offer contract.² Furthermore, it was negotiating with the City of Barrow in early May for,

² Florida Power Corporation notified the Commission on July 20, 1998 that it had officially terminated the standard offer contract with Panda-Kathleen, L.P. due to Panda

and has subsequently signed, a five year full-requirements power supply contract beginning in 1999.

With this information, we believe that FPC was aware during the early part of this year that additional capacity would be needed beginning in the year 2000. Nonetheless, placing Hines 2 into service in the Summer of 2001 will do nothing to increase FPC's capacity reserves during the Winter 2000/01.

For these reasons we deny FPC's request for a waiver of the requirements of Rule 25-22.082, Florida Administrative Code. This will assure that its ratepayers benefit from the most economical resource addition and to avoid the potential for extensive litigation during the later need determination process. Of the alternatives presented, we believe this is most consistent with the public interest. FPC has failed to demonstrate that the purposes of the underlying statute will be achieved by other means. Therefore, FPC has not met the requirements of Section 120.542, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the comments of the Florida Industrial Cogeneration Association shall be accepted as timely. It is further

ORDERED that Florida Power Corporation's request for a waiver of the requirements of Rule 25-22.082, Florida Administrative Code, shall be denied.

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 9th day of February, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

Kathleen's failure to perform.

5

requirements set forth in this chapter. An agency required to prepare or revise a statement of estimated regulatory costs as provided in this paragraph shall make it available to the person who submits the lower cost regulatory alternative and to the public prior to filing the rule for adoption.

(c) No rule shall be declared invalid because it imposes regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives, and no rule shall be declared invalid based upon a challenge to the agency's statement of estimated regulatory costs, unless:

1. The issue is raised in an administrative proceeding within 1 year after the effective date of the rule; and

2. The substantial interests of the person challenging the agency's rejection of, or failure to consider, the lower cost regulatory alternative are materially affected by the rejection; and

3.a. The agency has failed to prepare or revise the statement of estimated regulatory costs as required by paragraph (b); or

b. The challenge is to the agency's rejection under paragraph (b) of a lower cost regulatory alternative submitted under paragraph (a).

(2) A statement of estimated regulatory costs shall include:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined by s. 120.52.

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

History.—s. 11, ch. 96-159; s. 4, ch. 97-176.

120.542 Variances and waivers.—

(1) Strict application of uniformly applicable rule requirements can lead to unreasonable, unfair, and unintended results in particular instances. The Legislature finds that it is appropriate in such cases to adopt a procedure for agencies to provide relief to persons subject to regulation. A public employee is not a person subject to regulation under this section for the purpose of petitioning for a variance or waiver to a rule that affects that public employee in his or her capacity as a public employee. Agencies are authorized to grant variances and waivers to requirements of their rules consistent with this section and with rules adopted under the authority of this section. An agency may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only to the extent necessary for the purpose of the underlying statute to be achieved. This section does not authorize agencies to grant variances or waivers to statutes or to rules required by the Federal Government for the agency's implementation or retention of any federally approved or delegated program, except as allowed by the program or when the variance or waiver is also approved by the appropriate agency of the Federal Government. This section is supplemental to, and does not abrogate, the variance and waiver provisions in any other statute.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(3) The Governor and Cabinet, sitting as the Administration Commission, shall adopt uniform rules of procedure pursuant to the requirements of s. 120.54(5) establishing procedures for granting or denying petitions for variances and waivers. The uniform rules shall include procedures for the granting, denying, or revoking of emergency and temporary variances and waivers. Such provisions may provide for expedited timeframes, waiver of or limited public notice, and limitations on comments on the petition in the case of such temporary or emergency variances and waivers.

(4) Agencies shall advise persons of the remedies available through this section and shall provide copies of this section, the uniform rules on variances and waivers, and, if requested, the underlying statute, to persons who inquire about the possibility of relief from rule requirements.

(5) A person who is subject to regulation by an agency rule may file a petition with that agency, with a copy to the committee, requesting a variance or waiver from the agency's rule. In addition to any requirements mandated by the uniform rules, each petition shall specify:

- (a) The rule from which a variance or waiver is requested.
- (b) The type of action requested.
- (c) The specific facts that would justify a waiver or variance for the petitioner.

(d) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.

(6) Within 15 days after receipt of a petition for variance or waiver, an agency shall provide notice of the petition to the Department of State, which shall publish notice of the petition in the first available issue of the Florida Administrative Weekly. The notice shall contain the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which variance or waiver is sought, and an explanation of how a copy of the petition can be obtained. The uniform rules shall provide a means for interested persons to provide comments on the petition.

(7) Except for requests for emergency variances or waivers, within 30 days after receipt of a petition for a variance or waiver, an agency shall review the petition and request submittal of all additional information that the agency is permitted by this section to require. Within 30 days after receipt of such additional information, the agency shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information. If the petitioner asserts that any request for additional information is not authorized by law or by rule of the affected agency, the agency shall proceed, at the petitioner's written request, to process the petition.

(8) An agency shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. A petition not granted or denied within 90 days after receipt of a completed petition is deemed approved. A copy of the order granting or denying the petition shall be filed with the committee and shall contain a statement of the relevant facts and reasons supporting the agency's action. The agency shall provide notice of the disposition of the petition to the Department of State, which shall publish the notice in the next available issue of the Florida Administrative Weekly. The notice shall contain the name of the petitioner, the date the petition was filed, the rule number and nature of the rule from which the waiver or variance is sought, a reference to the place and date of publication of the notice of the petition, the date of the order denying or approving the variance or waiver, the general basis for the agency decision, and an explanation of how a copy of the order can be obtained. The agency's decision to grant or deny the petition shall be supported by competent substantial evidence and is subject to ss. 120.569 and 120.57. Any proceeding pursuant to ss. 120.569 and 120.57 in regard to a variance or waiver shall be limited to the agency action on the request for the variance or waiver, except that a proceeding in regard to a variance or waiver may be consolidated with any other proceeding authorized by this chapter.

(9) Each agency shall maintain a record of the type and disposition of each petition, including temporary or emergency variances and waivers, filed pursuant to this section. On October 1 of each year, each agency shall file a report with the Governor, the President of the Senate, and the Speaker of the House of Representatives listing the number of petitions filed requesting variances to each agency rule, the number of petitions filed requesting waivers to each agency rule, and the disposition of all petitions. Temporary or emergency variances and waivers, and the reasons for granting or denying temporary or emergency variances and waivers, shall be identified separately from other waivers and variances.

History.—s. 12, ch. 96-159; s. 5, ch. 97-176.

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.81(1)(d) and (2), and its accompanying material, and each emergency rule, and may examine any existing rule, for the purpose of determining whether:

(a) The rule is an invalid exercise of delegated legislative authority.

(b) The statutory authority for the rule has been repealed.

(c) The rule reiterates or paraphrases statutory material.

(d) The rule is in proper form.

(e) The notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule.

(f) The rule is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements.

(g) The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law which the rule implements.

(h) The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected by the rule.

(i) The rule could be made less complex or more easily comprehensible to the general public.

(j) The rule does not impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.

(k) The rule will require additional appropriations.

(l) If the rule is an emergency rule, there exists an emergency justifying the promulgation of such rule, the agency has exceeded the scope of its statutory authority, and the rule was promulgated in compliance with the requirements and limitations of s. 120.54(4).

(2) The committee may request from an agency such information as is reasonably necessary for examination of a rule as required by subsection (1). The committee shall consult with legislative standing committees with jurisdiction over the subject areas. If the committee objects to an emergency rule or a proposed or existing rule, it shall, within 5 days of the objection, certify that fact to the agency whose rule has been examined and include with the certification a statement

ISSUE 8: If the Commission adopts a rule that requires bidding, should such a process be required for municipal and cooperative utilities as well as investor owned utilities?

RECOMMENDATION: Yes. Each electric utility subject to the provisions of the Power Plant Siting Act should be required to use bidding as a means of determining the most cost-effective generating alternative.

DENIED - Munis. & Coops. are excepted from this rule. Commissioner Lauredo dissented.



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: 11/19/99
TO: Blanca Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: DOCKET NO. 99462-EV

RE: Item 54
DOCUMENT NO: 14222

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

Acknowledged by:

Mar

JK/pc

PSC/RAR 28 (Rev7/94)

Dick Basford & Associates, Inc.
Consulting Services

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
99 DEC -7 AM 8:28
MAIL ROOM

December 2, 1999

Blanca Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way
Tallahassee, Florida 32399-0870
Re: Docket No. 991462-EU

Ms. Bayo

RECORDS AND
REPORTING

99 DEC -7 PM 2:45

RECEIVED-FPSC

It is requested that I be registered as an interested person in the above mentioned docket.
Correspondence can be sent to either of the addresses, fax, or email listed below.

P.O. Box 14831
Jacksonville, Fl. 32238

or

5616 Fort Sumter Rd.
Jacksonville, Fl. 32210

Fax: 904-573-7971

email: d.basford@worldnet.att.net



Richard A. Basford
President
Dick Basford & Associates, Inc

Done 12/07/99

M E M O R A N D U M

December 13, 1999

RECEIVED-FPSC

99 DEC 13 PM 1:51

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

2438 - PAA

Attached is an ORDER ON PROCEDURAL MATTERS AND NOTICE OF
PROPOSED AGENCY ACTION ORDER GRANTING PETITION FOR RULE WAIVER to
be issued in the above-referenced docket. (Number of pages in
order - 34)

WCK
Attachment
cc: Division of Electric and Gas
I:991462o1.wck

*forced
mailed - 12/14.*



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECORDS AND
REPORTING

JAN - 4 AM 11:14

RECEIVED-FPSC

DATE: January 4, 2000
TO: Blanca Bayo, Director, Division of Records and Reporting
FROM: Bill Berg, Assistant to Commissioner Deason *WBB*
RE: Intercepted Communications From an Interested Party Received in Docket No: 991462-EU

This office has received the attached correspondence from John K. Hawks, PG&E Generating. The correspondence has not been viewed or considered in any way by Commissioner Deason. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as COE 91-31-JULY 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However; in such cases Commissioner Deason has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

WBB:mm

MOYLE, FLANIGAN, KATZ, KOLINS, RAYMOND & SHEEHAN, P.A.
ATTORNEYS AT LAW

The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Telephone: (850) 681-3828
Facsimile: (850) 681-8788

Intercepted
1/4/00

JON C. MOYLE, JR.
E-mail: jmoylejr@moylelaw.com

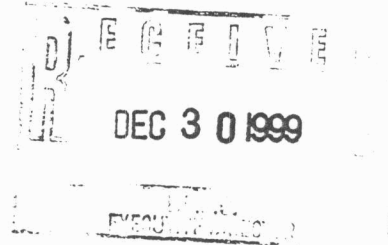
December 27, 1999

West Palm Beach Office
(561) 659-7500

BY HAND-DELIVERY

Mr. Bill Talbott
Executive Director
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED
JAN 3 2000
Florida Public Service Comm.
Commissioner Deason



Dear Bill:

I am enclosing four letters, addressed to each of the current Public Service Commissioners, that are identical except for the addressee. This letter has also been sent to the Governor and Cabinet, as well as to all members of the Florida Legislature.

I would ask that you review the letters and provide them to each Commissioner as addressed, if appropriate. I am asking that the letters be handled this way since the Okeechobee Generating Company, an affiliate of PG&E Generating Company, currently has a need determination petition pending before the Public Service Commission. Out of an abundance of caution with respect to any possibly ex parte communication, I am directing these letters to you. The only mention of the Okeechobee Project is cursory and, in my view, not of such significance so as to make these letters problematic for the respective Commissioners or violate the ex parte prohibition. However, I wanted you to have a chance to review them and make your own judgment.

I would appreciate if you could deliver these letters unless you believe that would be a problem. If you see it as a problem, please give me a call so that we can discuss it further.

Sincerely,

A handwritten signature in black ink, appearing to be "Jon C. Moyle, Jr.", with a large, sweeping flourish extending to the right.

Jon C. Moyle, Jr.

Enclosures



7500 Old Georgetown Road
Bethesda, MD 20814-6161

301.280.6800
Fax: 301.280.6900
www.gen.pge.com

December 21, 1999

The Honorable Terry Deeson
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Commissioner Deeson:

I am writing to introduce you to our company, PG&E Generating, and to provide some information to you about the current situation in Florida regarding electric power generation.

PG&E Generating, which was formerly known as U.S. Generating or USGen, is the power generation unit of PG&E Corporation, a national energy services holding company. PG&E Gen has two electric generation plants operating in Florida, and a capital investment of more than \$1 billion in the state. PG&E Generating has a strong interest in helping Florida meet its demand for new electricity and in ensuring the reliability of its electric system. For this reason, the PG&E Generating project development team has embarked on a new power project in Okeechobee County that you will be hearing more about in the months ahead.

Given our strong interest in helping Florida achieve these two goals, and the difficulties facing any competitive generator who wants to invest in Florida, we have enclosed for your review and information a recent article that appeared on the Dow Jones/Wall Street Journal Interactive Newswire. The article discusses the status of electric power generation in Florida. This subject is currently one of the key public policy issues in Florida—and in many states across the country—and one that has major implications for all energy consumers in the state.

The article points out that competition among power plant developers for the privilege of siting and building new generation facilities is rapidly becoming the principal way new demand for electricity is being satisfied across the country. Throughout the United States, companies like PG&E Generating are building highly efficient, clean “merchant” electric generating plants to help meet the growing demand for electricity.

As you may be aware, merchant generating plants are not part of a utility's regulated ratebase and do not have captive retail customers. Rather, they are designed to compete in the wholesale market and to help maintain and enhance the reliability of the regional electric system – all of this without the need for traditional utility customers to pay for the

PG&E Generating (PG&E Gen) and any other company referenced herein that uses the PG&E name or logo are not the same company as Pacific Gas and Electric Company, the regulated California utility. Neither PG&E Gen nor these other referenced companies are regulated by the California Public Utilities Commission. Customers of Pacific Gas and Electric Company do not have to buy products from these companies in order to continue to receive quality regulated services from the utility.

The Honorable Terry Deeso.

December 21, 1999

Page 2 of 2

construction and operating costs. Merchant generating facilities bear all of the investment and other risks associated with building and operating these plants – an added consumer benefit. Merchant power plants have become the dominant source of new power generation throughout most of the United States. However, as the article notes, Florida is conspicuously absent from this trend.

Peninsular Florida needs upwards of 10,000 megawatts of new generating capacity—representing a multi-billion dollar new investment—in order to keep up with demand for electricity and to have the necessary reserves in place. This amount of electricity accounts for more than a quarter of the state's current capacity. Unfortunately, Florida, whose reserves have been declining, is missing out on the benefits that wholesale competition and the competitive power generation business are providing.

Merchant generators are eager to invest in Florida to satisfy this demand. Yet, some of Florida's larger utilities are vigorously opposing this investment. In their view, only regulated public utilities should be permitted to build new generation, and this dispute is now the subject of a case before the Florida Supreme Court. They have adopted this position in Florida even though at least one of them is busy developing and building merchant plants for itself in other regions of the country—and even though the Federal Energy Regulatory Commission adopted wholesale competition as a national policy, following the passage of the Energy Policy Act in 1992.

I hope you find this information useful. Please feel free to contact me at 301-280-6805 or through e-mail at jack.hawks@gen.pge.com, if you have any questions or would like to meet to discuss these important public policy issues. Best wishes for the holidays.

Sincerely,



John K. Hawks
Vice President, Public Affairs
& Government Relations

/encl.

Reprinted from Dow JONES NEWS SERVICE

TUESDAY, NOVEMBER 9, 1999

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Florida Utilities Wage War On Would-Be Competitors

By EILEEN O'GRADY

HOUSTON — (Dow Jones)— In the spring of 1999, a group of Florida utilities moved to block an out-of-state company from building a power plant in the state.

At the same time, one of the utilities, FPL Group Inc. (FPL), was buying power plants in Maine and building others in Texas.

The strategy is clear: Guard the home turf while expanding elsewhere.

Energy companies around the U.S. have used the strategy as utility deregulation opens new markets. But nowhere have outsiders been rebuffed with more determination than in Florida, say energy companies, regulators and others.

"You see opposition, but not to this extent," said Sean Finnerty, manager of project development for a unit of PG&E Corp. (PGE), a San Francisco energy company that wants to build a natural gas-fired plant in southern Florida. "Florida is clearly lagging behind the rest of the states in moving to (electric) competition — wholesale or retail — even though existing utilities, like FPL Group, are active elsewhere."

"Florida is a difficult market," agreed Julie Simon, director of policy for the Electric Power Supply Association, a Washington, D.C.-based trade group that represents competitive generators, power marketers and other suppliers.

"The numbers speak for themselves," said Simon, noting that, according to EPSA's tally of announced new generation projects, 5,224 megawatts of non-utility owned generation is planned in the Florida Reliability Coordinating Council, a group of interconnected utilities that covers all but eight western panhandle counties.

"Florida is low on generation, but they are not going out of their way to encourage new generation. There's a lot more going on in other markets with a lot less need," she said.

More than 122,000 MW of new generation is planned nationwide, according to EPSA.

PG&E and others are fighting to get into Florida, and watching to see just how far the state's utilities will go to keep them out.

In particular, they're closely following

a case involving Duke Energy Services of North Carolina, a unit of Duke Energy Corp. (DUK). Duke has been blocked in its effort to build a \$160 million, 500-MW power plant near New Smyrna Beach.

In March, the state Public Service Commission gave Duke the green light to move ahead with the plant.

It was to be a merchant plant, selling most of its electricity into competitive markets, with the exception of 30 MW it would supply to the municipal utility of New Smyrna Beach. Duke wanted to start operating the plant in 2001. The start date is now uncertain.

The state's utilities appealed the PSC decision, and that appeal is now being considered by the Florida Supreme Court. A hearing on the case has been set for early January.

While half of U.S. states have moved to open their consumer electric markets to competition, Florida lawmakers have yet to study the issue seriously.

U.S. regulators opened all U.S. wholesale electricity markets to competition in 1996 when they ordered utilities to let others buy and sell electricity competitively over their electric transmission lines. In wholesale markets, energy companies buy and sell large volumes of electricity for resale.

Despite the 1996 law, Florida's wholesale power market isn't truly competitive.

"I don't believe in retail competition, but in a viable wholesale market and that's what we're moving toward," said Joe A. Garcia, chairman of the state's public service commission.

The state's major utilities — FPL Group, Florida Power Corp. (FPC), and Tampa Electric, a unit of TECO Energy Inc. (TECO) — say the PSC overstepped its authority in approving Duke's New Smyrna Beach plant. They argued that Duke would be violating a 1973 law known as the Florida Power Plant Siting Act by building the plant.

The law says power plants with steam boilers that produce more than 75-MW of electricity must be built by an electric utility or operate under a long-term contract to sell the power to a Florida utility.

"Under current law, it's clearly the regulated utilities (that should build new

generation) because we have the obligation to serve (customers)," said Paul Evanson, president of FPL Group's utility subsidiary, Florida Power & Light.

Evanson said he believes the Duke proposal is an effort to undermine Florida's regulated electric system "that is working extremely well."

The siting act was passed to help the state balance the need to meet growing electricity demand with the need to control the environmental impact of plants in the state, he said.

But PSC hearings showed the New Smyrna Beach plant is needed to supply Florida's growing appetite for electricity, said PSC Chairman Garcia. He said the plant wouldn't hurt existing Florida rate payers.

"Everything is up in the air until Duke is finalized," said PG&E spokesman Jack Hawks.

Despite the unfriendly welcome, Florida's fast-growing economy and its expanding need for electricity are so attractive that other power plant developers are lining up to enter the fray.

Among them are Reliant Energy Wholesale Group, a unit of Reliant Energy Inc. (REI); Constellation Power, a unit of Baltimore Gas and Electric Co. (BGE), and Panda Energy International, a private Dallas-based developer of power plants. Atlanta utility giant Southern Co. (SO) is also said to be interested in moving into the state.

Interest in the Florida market "is not surprising when you look at the demand. The whole Southeast is growing and Florida is one of the biggest markets," said Rick Rhodes of Duke Energy Services.

The state's utilities and regulators agree Florida will need 8,000 MW to 10,000 MW of new generation over the next decade to meet its growing demand for electricity.

According to FP&L, companies based outside Florida want to build as much as 9,700 MW of new generation in the state, almost 25% of the state's 38,000 MW of installed capacity.

Because of its peninsular shape, Florida must rely on its own power plants because it has a limited ability to move power in and out of the state along the high-voltage electric transmission grid.

(over please)

BLACK & VEATCH

RECEIVED-FPSC

MEMORANDUM

00 JAN 13 PM 5:54

Fax Number

January 13, 2000
RECORDS AND
REPORTING

To: Hong Wang

From: Sally Melms

Please note that the fax number for Black & Veatch has changed from 913-339-2934 to 913-458-2934. Hope you don't have any trouble reaching us in the future.

981042

991462

991837

991973

992014

Post-it® Fax Note	7671	Date	1/13/00	# of pages	1
To	Hong Wang	From	Sally Melms		
Co./Dept.	PSC	Co.	B&V		
Phone #	850-443-4770	Phone #	913-458-7129		
Fax #	850-413-7118	Fax #	913-458-2934		

59140 0030

Done 1/18/00

State of Florida

Joe Garcia
Chairman



Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0855
(850) 413-6042
Fax: (850) 413-6395

Public Service Commission

MEMORANDUM

RECEIVED-FPSC
00 JAN -7 PM 1:38
RECORDS AND
REPORTING

TO: Blanca Bayó
Director, Division of Records and Reporting

FROM: *J* Jorge Cruz-Bustillo, Executive Assistant to Chairman Garcia

RE: Written Communication Regarding PG&E Generating - 991462-EW

DATE: January 6, 2000

Please place the attached written communication, which may be considered ex parte, in the file regarding PG&E matter.

The attached document was sent by hand delivery to Chairman Garcia, from Mr. John K. Hawks, Vice-President, PG&E Generating

Please give notice of this communication to all parties to the docket and inform them they have ten days from receipt of the notice to file a response.

jcb

Carol Purvis

To: Bill Berg; Billy Stiles; Jorge Cruz-Bustillo; Melinda Butler
Cc: Kathleen Stewart; Kay Posey
Subject: Ex Parte

bcc: Robby Cunningham

Chairman Garcia has reported receiving a letter from Mr. Jon C. Moyle, Jr. and Mr. John K. Hawks, representing PG&E Generating, on December 30, 1999, regarding Docket No. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C. We are preparing to distribute this letter to the parties to this matter. Would you please let me know if your Commissioner also received this e-mail from Mr. Moyle and Mr. Hawks.

Carol Purvis

From: Melinda Butler
Sent: Monday, January 10, 2000 10:30 AM
To: Carol Purvis
Cc: Shirley Jeff
Subject: RE: Ex Parte

FYI

-----Original Message-----

From: E. Leon Jacobs
Sent: Monday, January 10, 2000 10:29 AM
To: Melinda Butler
Subject: RE: Ex Parte

Haven't seen it.

-----Original Message-----

From: Melinda Butler
Sent: Monday, January 10, 2000 10:27 AM
To: E. Leon Jacobs
Subject: RE: Ex Parte

Did you receive such an e-mail?

-----Original Message-----

From: Carol Purvis
Sent: Monday, January 10, 2000 9:43 AM
To: Bill Berg; Billy Stiles; Jorge Cruz-Bustillo; Melinda Butler
Cc: Kathleen Stewart; Kay Posey
Subject: Ex Parte

Chairman Garcia has reported receiving a letter from Mr. Jon C. Moyle, Jr. and Mr. John K. Hawks, representing PG&E Generating, on December 30, 1999, regarding Docket No. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C. We are preparing to distribute this letter to the parties to this matter. Would you please let me know if your Commissioner also received this e-mail from Mr. Moyle and Mr. Hawks.

Carol Purvis

From: Carol Purvis
Sent: Monday, January 10, 2000 10:41 AM
To: Billy Stiles
Subject: RE: Ex Parte

No - that is ok.

-----Original Message-----

From: Billy Stiles
Sent: Monday, January 10, 2000 10:39 AM
To: Carol Purvis
Subject: RE: Ex Parte

We received the letter; however, we did not receive it directly. It was sent to us via General Counsel. I will intercept it. Do I need to send you our copy anyway?

-----Original Message-----

From: Carol Purvis
Sent: Monday, January 10, 2000 9:43 AM
To: Bill Berg; Billy Stiles; Jorge Cruz-Bustillo; Melinda Butler
Cc: Kathleen Stewart; Kay Posey
Subject: Ex Parte

Chairman Garcia has reported receiving a letter from Mr. Jon C. Moyle, Jr. and Mr. John K. Hawks, representing PG&E Generating, on December 30, 1999, regarding Docket No. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C. We are preparing to distribute this letter to the parties to this matter. Would you please let me know if your Commissioner also received this e-mail from Mr. Moyle and Mr. Hawks.

Tracking:

Recipient
Billy Stiles

Delivery

Delivered: 1/10/00 10:41 AM

Carol Purvis

From: Bill Berg
Sent: Monday, January 10, 2000 2:04 PM
To: Carol Purvis
Cc: Mary Macko
Subject: RE: Ex Parte

Commissioner Deason's office did receive the letter but it was not shown to the Commissioner. I sent an intercept memo down last week.

-----Original Message-----

From: Carol Purvis
Sent: Monday, January 10, 2000 9:43 AM
To: Bill Berg; Billy Stiles; Jorge Cruz-Bustillo; Melinda Butler
Cc: Kathleen Stewart; Kay Posey
Subject: Ex Parte

Chairman Garcia has reported receiving a letter from Mr. Jon C. Moyle, Jr. and Mr. John K. Hawks, representing PG&E Generating, on December 30, 1999, regarding Docket No. 991462-EU - Petition for determination of need for an electrical power plant in Okeechobee County by Okeechobee Generating Company, L.L.C. We are preparing to distribute this letter to the parties to this matter. Would you please let me know if your Commissioner also received this e-mail from Mr. Moyle and Mr. Hawks.

M E M O R A N D U M

January 6, 2000

✓
RECEIVED-FPSC
00 JAN -6 PM 3:40
RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK RVE

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

0069-co

Attached is a CONSUMMATING ORDER, to be issued in the above-referenced docket. (Number of pages in order- 2)

WCK/anc
Attachment
cc: Division of Electric and Gas
I: 991462co.wck

16 f
4m

M E M O R A N D U M

JANUARY 27, 2000

RECEIVED-TPSC

00 JAN 27 PM 1:04

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WAK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

Attached is a NOTICE OF RESCHEDULED NEED DETERMINATION HEARING
AND PREHEARING CONFERENCE ON PROPOSED ELECTRICAL POWER PLANT to be
issued in the above-referenced docket. (Number of pages in Notice
- 5)

WCK

Attachment

cc: Division of Electric and Gas (Haff, Goad)

I:\991462n1.wck

pgs 1, 2, 3, 4, 5

90/6

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

January 27, 2000

VIA FAX NO. 863-763-7949

Okeechobee News
Attention: Joy Parrish
P.O. Box 639
Okeechobee, Florida 34973

Re: Publication of notice of hearing in Docket No. 991462-EU

Dear Ms. Parrish:

Enclosed is a notice of rescheduled hearing for publication as a quarter-page display ad in the **Sunday, January 30, 2000**, edition of the *Okeechobee News*.

The **bill** for publication of the notice should be sent to our Division of Administration (ATTN: Fiscal Section) at the address printed below. The **proof of publication** should be sent directly to me.

Please fax a copy of the notice to me for proofing before it is published. My fax number is 850-413-7118.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Kay Flynn".

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Cochran Keating, Division of Legal Services
Jon Moyle
Scheff Wright

M E M O R A N D U M

February 1, 2000

RECEIVED-FPSC

00 FEB -1 PM 1:46

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK RVE

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

Attached is a Notice of Oral Argument to be issued in the
above-referenced docket. (Number of pages in notice - 2)

WCK/jb
Attachment
cc: Division of Electric & Gas (Haff)
I:991462no.wck

pg 1 + 2

90 f

15 m

M E M O R A N D U M

FEBRUARY 11, 2000

RECEIVED-FPSC

00 FEB 11 PM 4:07

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C

PSC-00-0291-PCO EU

Attached is an ORDER ON INTERVENORS' MOTIONS TO COMPEL,
PETITIONER'S MOTIONS FOR PROTECTIVE ORDER, AND MOTION FOR LEAVE TO
FILE ADDITIONAL INTERROGATORIES, to be issued in the above-
referenced docket. (Number of pages in order - 19).

WCK/jb

cc: Division of Electric and Gas
I: 991462do.wck

see 2

10/4

MUST GO TODAY

ATTACHMENT(S) NOT ON-LINE

M E M O R A N D U M

FEBRUARY 11, 2000

RECEIVED-FPSC ✓

00 FEB 11 PM 4:07

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK RVE

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C

PSC-00-0290-PCO-tu

Attached is an Order Revising Procedural Schedule and Certain
Procedural Guidelines, to be issued in the above-referenced docket.
(Number of pages in order - 4)

WCK/jb

cc: Division of Electric and Gas

I: 991462p2.wck

MUST GO TODAY

14 minutes -
2/11/00

10/4.



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: February 14, 2000
TO: Blanca Bayó, Director, Records and Reporting
FROM: Jane Faurot, Chief, Bureau of Reporting
RE: DOCKET NO. 991462-EU, ORAL ARGUMENT, HELD 2-7-2000.

RE: PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL
POWER PLANT IN OKEECHOBEE COUNTY BY OKEECHOBEE
GENERATING COMPANY L.L.C

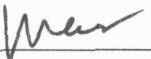
DOCUMENT NO. 01810, 2-10-00

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, E&G

Acknowledged by:



JK/pc

PSC/RAR 28 (Rev7/94)

M E M O R A N D U M

FEBRUARY 18, 2000

RECEIVED-FPSC

00 FEB 18 PM 1:55

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C

0339-PCD

Attached is an ORDER REVISING PROCEDURAL SCHEDULE, to be
issued in the above-referenced docket. (Number of pages in order -
4)

WCK/jb

cc: Division of Electric and Gas

I: 991462p3.wck

MUST GO TODAY

*10f
Am*

Law Offices

HOLLAND & KNIGHT LLP

315 South Calhoun Street
Suite 600
P.O. Drawer 810 (ZIP 32302-0810)
Tallahassee, Florida 32301

850-224-7000
FAX 850-224-8832
www.hklaw.com

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SERVICE COMMISSION

00 FEB 25 AM 8:29

MAIL ROOM

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St. Petersburg
Tallahassee
Tampa
Washington, D.C.
West Palm Beach

February 23, 2000

D. BRUCE MAY, JR.
850-425-5607

Internet Address:
dbmay@hklaw.com

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, FL 32399-0850

Re: In re: Petition for Determination of Need for an Electrical Power Plant in
Okeechobee County by Okeechobee Generating Company, L.L.C., Docket No.
991462-EU

Dear Ms. Bayo:

Holland & Knight has an ongoing interest in the docket referenced above.
Please place the undersigned on the docket's mailing list.

Thank you for your continued consideration.

Sincerely,

HOLLAND & KNIGHT LLP


D. Bruce May

DBM/kjg

cc: Parties of Record

TAL1 #212678 v1

Done 2/25/00

RECORDS AND
REPORTING

00 FEB 25 AM 11:07

RECEIVED - FPSC

02566 FEB 25 2000

FPSC RECORDS AND REPORTING

NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
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56	OK	001	138	00:00:35	RCV	850 224 8551	FEB-24	15:35	0507C0000A030
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62	OK	001	144	00:00:27	RCV	850 222 1355	FEB-25	09:35	0507C0000A070
63	OK	001	145	00:00:24	RCV		FEB-25	10:10	0507C0000A070
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-FPSC RAR (850-413-6770) -

MODE = MEMORY TRANSMISSION

START=FEB-28 15:04

END=FEB-28 15:33

FILE NO.=163

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002	OK	#	619045737971	002/002	00:00:56
003	OK	#	615612209402	002/002	00:00:40
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007	OK	#	99210781	002/002	00:01:24
008	OK	#	92227510	002/002	00:00:46
009	OK	#	618132281328	002/002	00:00:52
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019	OK	#	92248832	002/002	00:00:38
020	OK	#	92245595	002/002	00:00:27

-FPSC RAR (850-413-6770) -

***** -FPSC RECORDS REP- ***** - 850 413 7118- *****

FLORIDA PUBLIC SERVICE COMMISSION

ADDENDUM

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: February 29, 2000, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: February 28, 2000

NOTICE

Persons affected by Commission action on certain items on this agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases) will be allowed to address the Commission when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number. Persons wishing to be heard by the Commission should sign the Appearance Register, which is located on a table immediately inside the hearing room door, and should be present at the beginning of the Agenda Conference as items may be taken out of order.

Included in the above category are items brought before the Commission for tentative or proposed action which will be subject to requests for hearing before becoming final. These actions include all tariff filings, items identified as proposed agency action (PAA), show cause actions and certain others.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Division of Records and Reporting at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Division of Records and Reporting, Betty Easley Conference Center, Room 110.

Agenda for
Commission Conference
February 29, 2000

ITEM NO.

CASE

2A**

DOCKET NO. 990994-TP - Proposed amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

Critical Date(s): None

Rule Status: Proposed

Commissioners Assigned: Full Commission
Prehrg Officer DS

Staff: LEG: Caldwell
AFA: Hewitt, Causseaux, Romig, Wright
CAF: Durbin
CMU: Moses, Simmons, Kennedy

Issue 1: Should the Commission propose amendments to Rules 25-4.003, Florida Administrative Code, Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated?

Recommendation: Yes. The Commission should propose amendments to Rules 25-4.003, Florida Administrative Code, Definitions; 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the rule amendments as proposed should be filed for adoption with the Secretary of State and the docket closed.

STATE OF FLORIDA

991462-EU

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



STEVE TRIBBLE, DIRECTOR
DIVISION OF ADMINISTRATION
(850) 413-6330

Public Service Commission

March 1, 2000

Independent Newspaper of Florida
3109 Old SR 8
Lake Placid, FL 33852-5551

RECEIVED-FPSC
00 MAR - 1 PM 12:26
RECORDS AND
REPORTING

Dear Sir:

Enclosed is your Invoice 864878, dated 01/31/00, for \$363.29, which cannot be processed because we have not received proof of publication. If you have any questions, please contact Mrs. Raquel Tully at (850) 413-6257.

Yours truly,

A handwritten signature in cursive script, appearing to read "Evelyn H. Sewell".

Evelyn H. Sewell, Chief
Bureau of Fiscal Services

mc:mr
Enclosure
c: Mrs. Marian Ellis
Ms. Martha Coggins

INDEPENDENT NEWSPAPERS OF FLORIDA

3109 OLD SR 8, LAKE PLACID, FL 33852

ADVERTISING
INVOICE and STATEMENT

864878

01/01/00 - 01/31/00 STATE OF FLORIDA

20	TOTAL AMOUNT DUE	UNAPPLIED AMOUNT	3	TERMS OF PAYMENT
	363.29			DUE UPON RECEIPT
21	CURRENT NET AMOUNT DUE	30 DAYS	60 DAYS	OVER 90 DAYS
	363.29	.00	.00	.00

4	PAGE #	5	BILLING DATE	8	BILLED ACCOUNT NAME AND ADDRESS	9	REMITTANCE ADDRESS
	1		01/31/00		KAY FLYNN STATE OF FLORIDA CAPITAL CIRCLE OFFICE CNTR 2540 SHUMARD OAK BLVD TALLAHASSE FL 32399		INDEPENDENT NEWSPAPERS OF FL 3109 OLD SR 8 LAKE PLACID, FL 33852-5551
6	BILLED ACCOUNT NUMBER						
	767842						
7	ADVERTISER/CLIENT NUMBER						

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

10	DATE	11	NEWSPAPER REFERENCE	12	13	14	DESCRIPTION - OTHER COMMENTS/CHARGES	15	SAU SIZE BILLED UNITS	17	TIMES RUN RATE	19	GROSS AMOUNT	20	NET AMOUNT
	12/31						BALANCE FORWARD								12.91
	01/30		COMBO BUYS: 1810896 01/30				LOCAL DISPLAY OKEE/FR, OKSH/FR		3x11I 66I		1 11.40				376.20
<p>Date Invoice Received by Fiscal _____</p> <p>Date Goods or Services Received _____</p> <p>Date Goods or Services Inspected and Approved as Acceptable _____</p> <p>Approval for Payment _____</p> <p>Purchase Order No. <u>012139</u> ✓</p> <p>Invoice No. <u>864878</u></p> <p>Voucher No. and Date _____</p> <p>Completed <input type="checkbox"/></p> <p>Incomplete <input type="checkbox"/></p> <p>INVOICE REFLECTS PAYMENTS THROUGH PERIOD ENDING DATE SHOWN ABOVE. PROBLEMS? CALL STAN JURACKA AT 800-426-4192.</p>															

STATEMENT OF ACCOUNT

AGING OF PAST DUE AMOUNTS

21	CURRENT NET AMOUNT DUE	22	30 DAYS	60 DAYS	OVER 90 DAYS	UNAPPLIED AMOUNT	23	TOTAL AMOUNT DUE
	363.29		.00	.00	.00			363.29
								376.20

INDEPENDENT NEWSPAPERS OF FLORIDA

3109 OLD SR 8, LAKE PLACID, FL 33852

1.75% LATE CHARGE WILL BE ADDED TO ALL NON-CURRENT BALANCES

4	INVOICE #	25	BILLING PERIOD	6	BILLED ACCOUNT NUMBER	7	ADVERTISER/CLIENT NUMBER	2	ADVERTISER/CLIENT NAME
	864878		01/01/00 - 01/31/00		767842				STATE OF FLORIDA



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 3, 2000
TO: Blanca Bayo, Director, Division of Records and Reporting
FROM: Melinda Butler, Assistant to Commissioner Jacobs *MB*
RE: Intercepted Communications From an Interested Party Received in
Docket No. 991462

RECORDS AND
REPORTING

00 MAR - 6 PM 2:00

RECEIVED-FPSC

This office has received the attached correspondence of Jon C. Moyle, Jr. with attachment from Jack Hawks dated December 27, 1999. The correspondence has not been viewed or considered in any way by Commissioner Jacobs. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as COE 91-33-JULY 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Given that it is not an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However; in such cases Commissioner Jacobs has requested that a copy of the correspondence and this memo, as a matter of routine, be placed in the correspondence side of the file in this docket.

MOYLE, FLANIGAN, KATZ, KOLINS, RAYMOND & SHEEHAN, P.A.
ATTORNEYS AT LAW

The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

Telephone: (850) 681-3828
Facsimile: (850) 681-8788

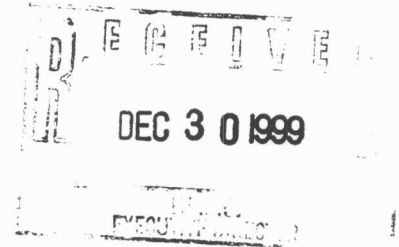
JON C. MOYLE, JR.
E-mail: jmoylejr@moylslaw.com

December 27, 1999

West Palm Beach Office
(561) 659-7500

BY HAND-DELIVERY

Mr. Bill Talbott
Executive Director
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



Dear Bill:

I am enclosing four letters, addressed to each of the current Public Service Commissioners, that are identical except for the addressee. This letter has also been sent to the Governor and Cabinet, as well as to all members of the Florida Legislature.

I would ask that you review the letters and provide them to each Commissioner as addressed, if appropriate. I am asking that the letters be handled this way since the Okeechobee Generating Company, an affiliate of PG&E Generating Company, currently has a need determination petition pending before the Public Service Commission. Out of an abundance of caution with respect to any possibly ex parte communication, I am directing these letters to you. The only mention of the Okeechobee Project is cursory and, in my view, not of such significance so as to make these letters problematic for the respective Commissioners or violate the ex parte prohibition. However, I wanted you to have a chance to review them and make your own judgment.

I would appreciate if you could deliver these letters unless you believe that would be a problem. If you see it as a problem, please give me a call so that we can discuss it further.

Sincerely,

Jon C. Moyle, Jr.

Enclosures

December 21, 1999

The Honorable Leon Jacobs
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Commissioner Jacobs:

I am writing to introduce you to our company, PG&E Generating, and to provide some information to you about the current situation in Florida regarding electric power generation.

PG&E Generating, which was formerly known as U.S. Generating or USGen, is the power generation unit of PG&E Corporation, a national energy services holding company. PG&E Gen has two electric generation plants operating in Florida, and a capital investment of more than \$1 billion in the state. PG&E Generating has a strong interest in helping Florida meet its demand for new electricity and in ensuring the reliability of its electric system. For this reason, the PG&E Generating project development team has embarked on a new power project in Okeechobee County that you will be hearing more about in the months ahead.

Given our strong interest in helping Florida achieve these two goals, and the difficulties facing any competitive generator who wants to invest in Florida, we have enclosed for your review and information a recent article that appeared on the Dow Jones/Wall Street Journal Interactive Newswire. The article discusses the status of electric power generation in Florida. This subject is currently one of the key public policy issues in Florida—and in many states across the country—and one that has major implications for all energy consumers in the state.

The article points out that competition among power plant developers for the privilege of siting and building new generation facilities is rapidly becoming the principal way new demand for electricity is being satisfied across the country. Throughout the United States, companies like PG&E Generating are building highly efficient, clean “merchant” electric generating plants to help meet the growing demand for electricity.

As you may be aware, merchant generating plants are not part of a utility's regulated ratebase and do not have captive retail customers. Rather, they are designed to compete in the wholesale market and to help maintain and enhance the reliability of the regional electric system – all of this without the need for traditional utility customers to pay for the

PG&E Generating (PG&E Gen) and any other company referenced herein that uses the PG&E name or logo are not the same company as Pacific Gas and Electric Company, the regulated California utility. Neither PG&E Gen nor these other referenced companies are regulated by the California Public Utilities Commission. Customers of Pacific Gas and Electric Company do not have to buy products from these companies in order to continue to receive quality regulated services from the utility.

construction and operating costs. Merchant generating facilities bear all of the investment and other risks associated with building and operating these plants – an added consumer benefit. Merchant power plants have become the dominant source of new power generation throughout most of the United States. However, as the article notes, Florida is conspicuously absent from this trend.

Peninsular Florida needs upwards of 10,000 megawatts of new generating capacity—representing a multi-billion dollar new investment—in order to keep up with demand for electricity and to have the necessary reserves in place. This amount of electricity accounts for more than a quarter of the state's current capacity. Unfortunately, Florida, whose reserves have been declining, is missing out on the benefits that wholesale competition and the competitive power generation business are providing.

Merchant generators are eager to invest in Florida to satisfy this demand. Yet, some of Florida's larger utilities are vigorously opposing this investment. In their view, only regulated public utilities should be permitted to build new generation, and this dispute is now the subject of a case before the Florida Supreme Court. They have adopted this position in Florida even though at least one of them is busy developing and building merchant plants for itself in other regions of the country—and even though the Federal Energy Regulatory Commission adopted wholesale competition as a national policy, following the passage of the Energy Policy Act in 1992.

I hope you find this information useful. Please feel free to contact me at 301-280-6805 or through e-mail at jack.hawks@gen.pge.com, if you have any questions or would like to meet to discuss these important public policy issues. Best wishes for the holidays.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack Hawks". The signature is fluid and cursive, with the first name "Jack" and last name "Hawks" clearly distinguishable.

John K. Hawks
Vice President, Public Affairs
& Government Relations

/encl.

Reprinted from DOW JONES NEWS SERVICE

TUESDAY, NOVEMBER 9, 1999

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Florida Utilities Wage War On Would-Be Competitors

By EILEEN O'GRADY

HOUSTON — (Dow Jones)— In the spring of 1999, a group of Florida utilities moved to block an out-of-state company from building a power plant in the state.

At the same time, one of the utilities, FPL Group Inc. (FPL), was buying power plants in Maine and building others in Texas.

The strategy is clear: Guard the home turf while expanding elsewhere.

Energy companies around the U.S. have used the strategy as utility deregulation opens new markets. But nowhere have outsiders been rebuffed with more determination than in Florida, say energy companies, regulators and others.

"You see opposition, but not to this extent," said Sean Finnerty, manager of project development for a unit of PG&E Corp. (PGE), a San Francisco energy company that wants to build a natural gas-fired plant in southern Florida. "Florida is clearly lagging behind the rest of the states in moving to (electric) competition — wholesale or retail — even though existing utilities, like FPL Group, are active elsewhere."

"Florida is a difficult market," agreed Julie Simon, director of policy for the Electric Power Supply Association, a Washington, D.C.-based trade group that represents competitive generators, power marketers and other suppliers.

"The numbers speak for themselves," said Simon, noting that, according to EPSA's tally of announced new generation projects, 5,224 megawatts of non-utility owned generation is planned in the Florida Reliability Coordinating Council, a group of interconnected utilities that covers all but eight western panhandle counties.

"Florida is low on generation, but they are not going out of their way to encourage new generation. There's a lot more going on in other markets with a lot less need," she said.

More than 122,000 MW of new generation is planned nationwide, according to EPSA.

PG&E and others are fighting to get into Florida, and watching to see just how far the state's utilities will go to keep them out.

In particular, they're closely following

a case involving Duke Energy Services of North Carolina, a unit of Duke Energy Corp. (DUK). Duke has been blocked in its effort to build a \$160 million, 500-MW power plant near New Smyrna Beach.

In March, the state Public Service Commission gave Duke the green light to move ahead with the plant.

It was to be a merchant plant, selling most of its electricity into competitive markets, with the exception of 30 MW it would supply to the municipal utility of New Smyrna Beach. Duke wanted to start operating the plant in 2001. The start date is now uncertain.

The state's utilities appealed the PSC decision, and that appeal is now being considered by the Florida Supreme Court. A hearing on the case has been set for early January.

While half of U.S. states have moved to open their consumer electric markets to competition, Florida lawmakers have yet to study the issue seriously.

U.S. regulators opened all U.S. wholesale electricity markets to competition in 1996 when they ordered utilities to let others buy and sell electricity competitively over their electric transmission lines. In wholesale markets, energy companies buy and sell large volumes of electricity for resale.

Despite the 1996 law, Florida's wholesale power market isn't truly competitive.

"I don't believe in retail competition, but in a viable wholesale market and that's what we're moving toward," said Joe A. Garcia, chairman of the state's public service commission.

The state's major utilities — FPL Group, Florida Power Corp. (FPC), and Tampa Electric, a unit of TECO Energy Inc. (TECO) — say the PSC overstepped its authority in approving Duke's New Smyrna Beach plant. They argued that Duke would be violating a 1973 law known as the Florida Power Plant Siting Act by building the plant.

The law says power plants with steam boilers that produce more than 75-MW of electricity must be built by an electric utility or operate under a long-term contract to sell the power to a Florida utility.

"Under current law, it's clearly the regulated utilities (that should build new

generation) because we have the obligation to serve (customers)," said Paul Evanson, president of FPL Group's utility subsidiary, Florida Power & Light.

Evanson said he believes the Duke proposal is an effort to undermine Florida's regulated electric system "that is working extremely well."

The siting act was passed to help the state balance the need to meet growing electricity demand with the need to control the environmental impact of plants in the state, he said.

But PSC hearings showed the New Smyrna Beach plant is needed to supply Florida's growing appetite for electricity, said PSC Chairman Garcia. He said the plant wouldn't hurt existing Florida rate payers.

"Everything is up in the air until Duke is finalized," said PG&E spokesman Jack Hawks.

Despite the unfriendly welcome, Florida's fast-growing economy and its expanding need for electricity are so attractive that other power plant developers are lining up to enter the fray.

Among them are Reliant Energy Wholesale Group, a unit of Reliant Energy Inc. (REI); Constellation Power, a unit of Baltimore Gas and Electric Co. (BGE), and Panda Energy International, a private Dallas-based developer of power plants. Atlanta utility giant Southern Co. (SO) is also said to be interested in moving into the state.

Interest in the Florida market "is not surprising when you look at the demand. The whole Southeast is growing and Florida is one of the biggest markets," said Rick Rhodes of Duke Energy Services.

The state's utilities and regulators agree Florida will need 8,000 MW to 10,000 MW of new generation over the next decade to meet its growing demand for electricity.

According to FP&L, companies based outside Florida want to build as much as 9,700 MW of new generation in the state, almost 25% of the state's 38,000 MW of installed capacity.

Because of its peninsular shape, Florida must rely on its own power plants because it has a limited ability to move power in and out of the state along the high-voltage electric transmission grid.

(over please)

The state's incumbent utilities can meet Florida's power needs, said FP&L's Evanson. They are rushing to fill the gap by accelerating plans to build new plants or by converting older oil-fired generating units to burn natural gas.

Evanson said Florida utilities aren't afraid of competition, but see Duke's proposal and others as an end-run on the state's existing regulated framework that has kept electric rates below the U.S. average.

"If there's a merchant plant and they're willing to sell power cheaper than we can produce power, we'll buy from that company; no question about that," said Evanson.

Companies such as Duke, PG&E and Reliant have an ally in the form of the state's municipal utilities. They have good reasons to want a more competitive wholesale power market.

"Municipal utilities tend to be buyers in the wholesale market," said Barry Moline, executive director of the Florida Municipal Electric Association, a trade group representing 32 public power communities serving about 25% of the population. "We think there's a better opportunity to save money for all customers with better competition in the wholesale market."

Like Duke, Reliant Energy has teamed up with a public power group to try to ease its way into Florida's market.

Reliant said it plans to build a 460-MW, natural gas-fired power plant in Osceola County near Holopaw, Fla. Like Constellation's Oleander plant, the plant would supply power only during times of peak power use.

Reliant would sell about two-thirds of the plant's output to Seminole Electric Cooperative through a five-year contract. Seminole supplies power to 10 distribution co-ops that serve 660,000 customers in 45 Florida counties.

Reliant has also bought the 619-MW

Indian River Power Plant in Brevard County for \$205 million from the Orlando Utilities Commission.

"Indian River gives us an early entry into Florida's high-growth market," said Joe Bob Perkins, president of Reliant's wholesale energy group.

Opposition from powerful utilities isn't the only obstacle facing new entrants in Florida. Other hurdles include a lack of available natural gas to power the proposed new generating stations and a tight market for new electric turbines, said Matt Schatzman, executive vice president for energy marketing for Dynegy Inc. (DYN), a Houston company that has a power marketing alliance with Florida Power Corp., a unit of Florida Progress Corp. (FPC).

The state now gets its natural gas from Florida Gas Transmission, a joint venture of Enron Corp. (ENE) and Southern Natural Gas Co. (SNT). The company wants to expand its pipeline system to increase the capacity to 2.0 billion cubic feet per day of natural gas, up from the current capacity of 1.5 Bcf/day.

Three other pipeline companies have proposed building new pipelines into Florida to increase its supply of natural gas to be sold to utilities and other power generators.

Despite the additional difficulties in Florida, developers remain optimistic.

"Florida is a great market," said Dynegy's Schatzman. "We believe the market will dictate what is built. The dust will clear and plants will be built."

Despite the ongoing delay with the New Smyrna Beach plant, Duke spokesman Rhodes predicted his company will pursue additional power projects in Florida.

Meanwhile, the state's utilities will continue to fight outsiders, a development that isn't lost on the PSC's Garcia.

"It's fascinating that they believe in competition in other places, but not in Florida," Garcia said.



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: March, 7, 2000
TO: Blanca Bayó, Director, Records and Reporting
FROM: Jane Faurot, Chief, Bureau of Reporting
RE: DOCKET NO. 991462-EG, PREHEARING HELD 3-3-00

RE: PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL
POWER PLANT IN OKEECHOBEE COUNTY BY OKEECHOBEE
GENERATING COMPANY, L.L.C.

DOCUMENT NO: 02901, 3-6-00

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, E&G

Acknowledged by:



JK/pc

PSC/RAR 28 (Rev7/94)

M E M O R A N D U M

March 14, 2000

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

RECEIVED-FPSC
00 MAR 14 PM 3:33
RECORDS AND
REPORTING

Attached is a NOTICE OF ORAL ARGUMENT to be issued in the
above-referenced docket. (Number of pages in notice - 2)

WCK
Attachment
cc: Division of Electric & Gas
i:\991462n2.wck

See 2

2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Docket No. 991462-EU -)
Petition for Determination of Need)
for an Electrical Power Plant in)
Okeechobee County by Okeechobee)
Generating Company, L.L.C.)
_____)

SUBPOENA

THE STATE OF FLORIDA

TO: Michael Blaha, 3800 Ellington Drive, Plano, Texas 75093

YOU ARE COMMANDED to appear before the Florida Public Service Commission at The Betty Easley Conference Center, 4075 Esplanade Way, Hearing Room 148, Tallahassee, Florida on March 21, 2000 at 1:00 p.m., to testify in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on March 15, 2000.

Blanca S. Bayó

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission

(S E A L)

Charles Guyton
Steel, Hector & Davis
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301-1804
Attorney for Florida Power & Light
Company
PSC/RAR 1 (Rev 7/98)



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: March, 16, 2000
TO: Blanca Bayó, Director, Records and Reporting
FROM: Jane Faurot, Chief, Bureau of Reporting
RE: DOCKET NO. 991462-EG, ORAL ARGUMENT HELD 3-15-00

RE: PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL
POWER PLANT IN OKEECHOBEE COUNTY BY OKEECHOBEE
GENERATING COMPANY, L.L.C.

DOCUMENT NO: 02901, 3-6-00
03556-00 3-16-00

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, E&G

Acknowledged by:

mez

JK/pc

PSC/RAR 28 (Rev7/94)

M E M O R A N D U M

MARCH 17, 2000

RECEIVED-FPSC

00 MAR 17 PM 3:36

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

0561-PHD - EH

Attached is a PREHEARING ORDER to be issued in the above-referenced docket. (Number of pages in order - 31)

WCK/jb
Attachment
cc: Division of Electric and Gas
I:991462p4.wck

MUST GO TODAY

13f

M E M O R A N D U M

MARCH 17, 2000

RECEIVED-FPSC

00 MAR 17 PM 3:36

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C

0562-PCD-EU

Attached is an ORDER GRANTING IN PART AND DENYING IN PART
MOTIONS TO COMPEL, GRANTING MOTIONS FOR ENLARGEMENT OF TIME, AND
GRANTING MOTION FOR PROTECTIVE ORDER, to be issued in the above-
referenced docket. (Number of pages in order - 26).

WCK/jb

cc: Division of Electric and Gas

I: 991462d2.wck

MUST GO TODAY

13f



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David Struhs
Secretary

FAX COVER SHEET

TO: Blanca Bayó / Ruth
TELEPHONE NUMBER: 413-6770
FAX NUMBER: 413-7118
FROM: Mariane Monahan
FAX NUMBER: 921-3000
DATE OF TRANSMISSION: 3/21/00
NUMBER OF PAGES INCLUDING COVER: 3

If there are problems with this transmission, please contact Mariane at
(850) 921-9720.

COMMENTS: Re: Okeechobee Generating Company, L.L.C.
Docket No. 991462-EL

Please change the contact for DEP from Gary Smallridge to Scott Goorland. Mr. Smallridge has retired from the agency and Mr. Goorland is now the attorney for power plant siting matters.

Thank you,
Mariane Monahan
Administrative Assistant II

done 3-21-00

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 Shumard Oak Boulevard
CAPITAL CIRCLE OFFICE CENTER
TALLAHASSEE, FLORIDA 32399-0850

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 3/13/00TO: Dept of - Environmental Regulation~~OFFICE/BUSINESS:~~ Mr. Smallridge MargaretTELEPHONE NO: () FAX NO: () 921-3000FROM: Blanca Bayo / Division of RecordsOFFICE/DIVISION: Records and Reporting 991462

TELEPHONE NO: (850) 413-6770 FAX NO: (850) 413-7118

COMMENTS: Please for us authorization to change
contact of Smallridge to Margaret per
conversations with our Deputy, Monte Reddick.
Thanks,Ruth V. Smith

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: _____



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

November 5, 1999

Robert Scheffel Wright, Esquire
John T. LaVia, Esquire
Landers & Parsons, P.A.
310 West College Avenue
Post Office Box 271
Tallahassee, Florida 32302

In Re: Petition for Determination of Need for an Electrical Power Plant in Okeechobee
County by Okeechobee Generating Company, L.L.C., Docket No. 991462-EU

Dear Messrs. Wright and LaVia:

In your Certificate of Service for the above mentioned case, you list Mr. Gary Smallridge for the Florida Department of Environmental Regulation. Please correct the Certificate of Service by substituting Scott A. Goorland, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, in place of Mr. Smallridge's name and address.

Sincerely,

Scott A. Goorland
Sr. Assistant General Counsel

cc: all parties of record



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: March, 27, 2000
TO: Blanca Bayó, Director, Records and Reporting
FROM: Jane Faurot, Chief, Bureau of Reporting
RE: DOCKET NO. 991462-EU, ORAL ARGUMENT HELD 3-20-00

RE: PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL
POWER PLANT IN OKEECHOBEE COUNTY BY OKEECHOBEE
GENERATING COMPANY, L.L.C.

DOCUMENT NO: 03610, 3-22-00

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, E&G

Acknowledged by:

A handwritten signature in cursive script, appearing to be "JK/pc", written over a horizontal line.

JK/pc

PSC/RAR 28 (Rev7/94)

✓
RECEIVED-FPSC
MEMORANDUM

MARCH 30, 2000

00 MAR 31 AM 10:56

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK RVE

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

PCD 6619

Attached is an ORDER DENYING MOTION FOR RECONSIDERATION to be
issued in the above-referenced docket. (Number of pages in order -
5)

WCK/jb
Attachment
cc: Division of Electric and Gas
I: 991462o2.wck

11/0-



Public Service Commission

State of Florida

-M-E-M-O-R-A-N-D-U-M-

DATE: May 31, 2000
TO: Blanca Bayó, Director, Records and Reporting
FROM: Jane Faurot, Chief, Bureau of Reporting
RE: DOCKET NO. 991462-EU, ETC., MAY 16 AGENDA CONFERENCE

RE: ITEM NO. 9, PETITION FOR DETERMINATION OF NEED FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY OKEECHOBEE GENERATING COMPANY, L.L.C., ETC.

DOCUMENT NO. 06617, 5-30-00

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, AFAD, WAW

Acknowledged BY:

mas

JF/pc

PSC/RAR 28 (Rev1/00)

filed in 991462-EU.

M E M O R A N D U M

APRIL 27, 2000

RECEIVED-FPSC

00 APR 27 PM 3:34

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *WCK RVE*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C

0854-PCO

Attached is an ORDER GRANTING MOTION FOR CONTINUANCE OF HEARING, to be issued in the above-referenced docket. (Number of pages in order - *8*).

WCK/jb

cc: Division of Electric and Gas

I: 991462o3.wck

pg 7 - DISSENTS ?

RECEIVED-FPSC
00 APR 28 PM 2:52
correct
RECORDS AND
REPORTING

115



FECA

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway
~~P.O. Box 590~~
Tallahassee, Florida 32308
(850) 877-6166
FAX: (850) 656-5485

May 8, 2001

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Dear Sir or Madam:

Please change mailing address on all correspondence you send us from P. O. Box 590, to **2916 Apalachee Parkway, Tallahassee, FL 32301.**

Thank you for taking care of this matter right away.

Sincerely,

Harriet K. Dickson

Harriet K. Dickson
Secretary

01 MAY -9 10 52

960786 981827
980706, 990188
991462, 000824
000612, 001148
00178, 010001
010283, 010441

RECEIVED-FPSC
01 MAY -9 AM 10:15
REPORTING AND

done 5/09/01

M E M O R A N D U M

JUNE 5, 2000

RECEIVED-FPSC

00 JUN -5 AM 10:48

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING *RVE*

FROM: DIVISION OF LEGAL SERVICES (ELIAS/ C.KEATING/ CLEMONS/
WESTERN/ISAAC) *mc*

RE: DOCKET NO. 991462-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN OKEECHOBEE COUNTY BY
OKEECHOBEE GENERATING COMPANY, L.L.C.

DOCKET NO. 000288-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN LAKE COUNTY BY PANDA
LEESBURG POWER PARTNERS, L.P.

DOCKET NO. 000289-EU - PETITION FOR DETERMINATION OF NEED
FOR AN ELECTRICAL POWER PLANT IN ST. LUCIE COUNTY BY
PANDA MIDWAY POWER PARTNERS, L.P.

DOCKET NO. 000442-EI - PETITION FOR DETERMINATION OF NEED
FOR THE OSPREY ENERGY CENTER BY CALPINE CONSTRUCTION
FINANCE COMPANY, L.P.

1063-PCD

Attached is an ORDER HOLDING CURRENT MERCHANT PLANT PETITIONS
IN ABEYANCE PENDING OUTCOME OF FLORIDA SUPREME COURT'S DECISION IN
DUKE-NEW SMYRNA to be issued in the above-referenced docket.
(Number of pages in order - 4)

RNI/jb
cc: Division of Electric and Gas
I:991462or.rni

pg 1, 2, 3

*faxed 13/3
mailed*

RAR Official Filing:

12/12/00***10:10 AM*****Matilda Sanders*****1**

Matilda Sanders

EU

PCO 2382

From: Carolyn Craig
Sent: Tuesday, December 12, 2000 10:02 AM
To: RAR - Orders-Notices
Subject: Orders

HPG

The following orders have been transferred and are ready to be issued.

Docket No. 000003-GU
File Name: 000003fo.wck

Dockets Nos. 991462-EI, 000288-EU, 000289-EU, 000612-EU
File Name: 000289or.rni

WP9

14/3

*Fixed
waited*