

Case Assignment and Scheduling Record

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

Docket No. 980283-EQ Date Docketed: 02/24/1998 Title: Petition for declaratory statement by Florida Power Corporation that Commission's approval of Negotiated Contract for Purchase of Firm Capacity and Energy between FPC and Metropolitan Dade County in Order No. 24734, together with Orders Nos. PSC-97-1437-FOF-EQ and 24989, PURPA, Florida Statute 366.051, and Rule 25-17.082, F.A.C., establish that energy payments thereunder, including when firm or as-available payment is due, are limited to analysis

Company: Florida Power Corporation

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

Referred to: _____ ADM _____ AFA _____ (APP) X _____ CAF _____ CMU _____ EAG X _____ GCL _____ LEG _____ RAR _____ RRR _____ WAW _____
 ("(") indicates OPR)

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

Program/Module A12(a)

Staff Assignments

OPR Staff _____

Staff Counsel _____

OCRs () _____

() _____

() _____

() _____

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

	<u>Due Dates</u>	
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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 _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

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

- Prehearing Officer

Commissioners					ADM
JN	DS	CL	GR	JC	

DOCUMENT NO.

16599-01

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: / /

STATE OF FLORIDA

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



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

Public Service Commission

February 27, 1998

Chris S. Coutroulis, Esquire
Carlton Fields Law Office
Post Office Box 3239
Tampa, Florida 33601-3239

Re: Docket No. 980283-EQ

Dear Mr. Coutrolis:

This will acknowledge receipt of a petition for declaratory statement by Florida Power Corporation that Commission's approval of Negotiated Contract for Purchase of Firm Capacity and Energy between Florida Power Corporation and Metropolitan Dade County in Order No. 24734, together with Orders Nos. PSC-97-1437-FOF-EQ and 24989, PURPA, F.S. 366.051, and Rule 25-17.082, F.A.C., establish that energy payments thereunder including when firm or as-available payment is due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics, which was filed in this office on February 24, 1998 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

DOCUMENT NO.
16599-01



RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
MAR 26 AM 9:10
MAIL ROOM

March 24, 1998

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

RECEIVED

MAR 26 1998

FPSC - Records/Reporting

Dear Ms. Bayo:

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

Docket No. 980001-EI	Investor-Owned Electric Utilities
Docket No. 980002-EG	Electric & Gas Companies
Docket No. 980003-GU	Gas Companies
Docket No. 980004-EU	Electric Companies
Docket No. 980283-EQ	Florida Power Corp.

Please send the above requests to my attention and thank you for your assistance in this matter.

Sincerely,

K. Croasmun

Kendra Croasmun
Corporate Planning Assistant



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
APR 14 AM 8:4
MAIL ROOM
RECEIVED
APR 14 1998
FPSC - Records/Reporting

April 13, 1998

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. 980283-EQ
950778-TL

Thank you for your assistance in this matter.

Sincerely,

Michelle Hershel
Director of Regulatory
Services

MH/hd

APR 23 1998



Public Service Commission / Reporting

3:40

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

DATE: April 23, 1998
TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING
FROM: RICHARD C. BELLAK, DIVISION OF APPEALS RCB
RE: DOCKET NO. 980283-EQ

98-0574-PCD-ED

FILE NAME: FPENLARG.MRD

Attached is an order to be issued as soon as possible.

RCB
Attachment

cc: Wanda Terrell

MUST GO TODAY

See 1

2 mailed
RAR -
- mailed
for courtesy
according to
R.B. to
Lundberg +
Dade

State of Florida



Public Service Commission

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

DATE: May 28, 1998
TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING
FROM: RICHARD C. BELLAK, DIVISION OF APPEALS
RE: DOCKET NO. 980283-EQ

RCB
98-0741-PCO
RECEIVED
MAY 28 1998
9:00
FPSC - Records/Reporting

FILE NAME: METDECL.RCB

Attached is an order to be issued as soon as possible.

RCB
Attachment

cc: Wanda Terrell

MUST GO TODAY

*4 mailed
RAR.*

From: Blanca Bayo
To: Carol Purvis, Curtis Williams, Kay Flynn, Richard Bellak
Subject: fwd: Items 13A & 13B October 6, 1998 Agenda

===NOTE=====10/21/98=10:34am=====
Richard listened to the audio tape and I watched the video tape of the Oct. 6 agenda regarding Items 13A & 13B. We both agree, based on what we heard on these tapes, that we simply need to correct the vote sheet.

Video Tape 3 --- It is clear that the Commissioners voted to grant oral argument on both 13A & 13B (GR dissents). This is issue 1 on staff recommendation in DN 980283 (13A) and issue 2 on staff recommendation in DN 980509 (13B). RAR erred by leaving this item off the vote sheet and misnumbered the remaining numbers in item 13B. (Please note the agenda page clearly stated in bold letters "interested persons may participate at Commission's discretion").

Video Tape 4 --- Chairman Johnson clearly states that the motion to Deny staff on the declaratory statements applied to 13A & 13B. The motion to deny staff was passed on a 3 to 2 vote (JN & DS dissent).

After the break the Chairman called for clarification on the votes. The Commissioners reviewed their votes issue by issue. On 13A, Issue 1 was incorrectly identified as having been a unanimous vote. In fact, it was passed on a 4 to 1 vote with Commissioner Garcia dissenting on the oral arguments (Issue 1 - 13A & Issue 2 - 13B).

Item 13 B -- The Commissioners approved staff for Item 1 (to deny intervention); Denied Declaratory Statement on a 3 to 2 vote (Jn, DS dissent); Motion to dismiss was moot; Closing of docket was approved.

Richard, please let me know if you agree with this summary. I will attach a copy of this e-mail to the vote sheet to ensure a permanent record of our communication. Carol will take the corrected vote sheet to the Commissioners for their signatures.

Fwd=by:=Richard=Bella=10/21/98=10:48am=====

Fwd to: Blanca Bayo
.....
I agree with the above.



Public Service Commission

State of Florida

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

DATE: October 27, 1998
TO: Blanca Bayó, Director, Records and Reporting
FROM: Joy Kelly, Chief, Bureau of Reporting
RE: ITEMS 6, 7, 13, 13A AND 13B OF 10-6-98 AGENDA CONFERENCE

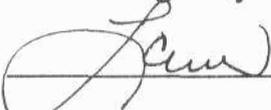
DOCUMENT NO. Item 6, Docket No. 980864-EI, 11890, 10-26-98,
Item 7, Docket No. 980896-GU, 11889, 10-26-98
Item 13, Docket Nos. 971004-EG, 971005-EG, 971006-EG and
971007-GU, 11888, 10-26-98,
Items 13A and 13B, 980283-EQ and 980509-EQ, 11887, 10-26-98

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:

LEGAL, AFAD, CMU, SOLD

Acknowledged by:


JK/pc

placed with docket # 980864

PSC/RAR 28 (Rev7/94)

State of Florida



Public Service Commission

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

DATE: December 3, 1998
 TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING
 FROM: RICHARD C. BELLAK, DIVISION OF APPEALS *RCB*
 RE: DOCKET NO. ~~980509-EG~~ and DOCKET NO. 980283-EQ

RECEIVED
 DEC - 3 1998
 FPSC - Records/Reporting

9p50

98-11620-FOF-EG

FILE NAMES: 980509-ORD
 980283.CRU

Attached are two orders to be issued as soon as possible.

RCB

Attachment

cc: Wanda Terrell

See 151

*forward - C/R
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. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

January 5, 1999

Mr. Sid J. White, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

RE: Docket No. 980283-EQ - Florida Power Corporation vs. Florida Public Service Commission, Metropolitan Dade County and Montenay-Dade, Ltd.

Dear Mr. White:

Enclosed is a certified copy of a Notice of Appeal, filed in this office on January 4, 1999 on behalf of Florida Power Corporation.

The index is due to be served on the parties to this proceeding on or before February 23, 1999.

Sincerely,

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

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Chris S. Coutroulis
David Smith
All Other Parties of Record

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

February 23, 1999

Chris S. Coutroulis
Carlton Law Firm
Post Office Box 3239
Tampa, Florida 33601

Re: Supreme Court Case No. 94,664 - Florida Power Corporation vs. Florida Public Service Commission (Docket No. 980283-EQ)

Dear Mr. Coutroulis:

Enclosed is a copy of the index to the above-referenced docket on appeal. Please look this index over and let me know if you have any questions about the contents of the record.

The record will be forwarded to the Supreme Court of Florida on or before April 23, 1999.

Sincerely,

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

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Robert Scheffel Wright
Gail P. Fels
Richard Bellak

I N D E X

Florida Power Corporation vs. Florida Public Service Commission
Docket No. 980283-EQ
Supreme Court of Florida Case No. 94,664

VOLUME 1

Petition for declaratory statement, filed February 24, 1998, on behalf of Florida Power Corporation (FPC) 1

Joint petition of Metropolitan Dade County (Dade County) and Montenay-Dade, Ltd. (Montenay) to intervene for the limited purpose of moving to dismiss FPC’s petition for declaratory statement, filed March 11, 1998 86

Dade County’s and Montenay’s unopposed motion for enlargement of time to file a motion to dismiss FPC’s petition for declaratory statement, filed March 11, 1998 94

Dade County’s and Montenay’s second unopposed motion for enlargement of time to file a motion to dismiss FPC’s petition for declaratory statement, filed March 23, 1998 97

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(Continuation of) Dade County’s and Montenay’s motion to dismiss FPC’s petition for declaratory statement and supporting memorandum of law, filed April 6, 1998 201

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FPC’s unopposed motion for enlargement of time to file its memorandum in opposition to Dade County’s and Montenay’s motion to dismiss, filed April 10, 1998 258

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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

February 23, 1999

John R. Marks, III
Knowles, Marks & Randolph, P.A.
215 South Monroe Street, Suite 130
Tallahassee, Florida 32301

Re: Supreme Court Case No. 94,665 - Florida Power Corporation vs. Florida Public Service Commission (Docket No. 980509-EQ)

Dear Mr. Marks:

Enclosed is a copy of the index to the above-referenced docket on appeal. Please look this index over and let me know if you have any questions about the contents of the record.

The record will be forwarded to the Supreme Court of Florida on or before April 23, 1999.

Sincerely,

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

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: James McGee
Robert Scheffel Wright
Richard Bellak

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Docket No. 980509-EQ
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STATE OF FLORIDA

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



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

FILED

SID J. WHITE

MAY 18 1999

CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

Public Service Commission

RECEIVED OF THE FLORIDA PUBLIC SERVICE COMMISSION

TRANSCRIPT OF RECORD IN THE MATTER OF:

FLORIDA POWER CORPORATION

vs.

FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC
RECORDS AND REPORTING
59 MAY 18 PM 5:06
4:57
Kau

CASE NO. 94,664

DOCKET NO. 980283-EQ

CONTAINED IN 3 VOLUMES

DATE _____ CLERK _____

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. BAYO
DIRECTOR
(850) 413-6770

Public Service Commission

May 18, 1999

Chris S. Coutroulis
Carlton Law Firm
Post Office Box 3239
Tampa, Florida 33601

Re: Supreme Court Case No. 94,664 - Florida Power Corporation vs. Florida Public Service Commission (Docket No. 980283-EQ)

Dear Mr. Coutroulis:

The record in the above-referenced docket on appeal has been filed in the Supreme Court of Florida. I am enclosing an invoice that reflects charges for preparation of the record. Please forward payment of the amount indicated to the Florida Public Service Commission at your earliest convenience.

Please feel free to call me if you any questions regarding these enclosures.

Sincerely,

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

Kay Flynn, Chief
Bureau of Records

Enclosure

cc: Richard Bellak

IN THE SUPREME COURT OF FLORIDA

Florida Power Corporation,

APPELLANT,

vs.

Florida Public Service Commission,

APPELLEE.

CASE NO.
94,664

TRANSCRIPT OF RECORD

IN THE MATTER OF:

Petition by Florida Power Corporation for declaratory statement that Commission's approval of negotiated contract for purchase of firm capacity and energy between FPC and Metropolitan Dade County in Order 24734, together with Orders PSC-97-1437-FOF-EQ and 24989, PURPA, Florida Statute 366.051, and Rule 25-17.082, F.A.C., establish that energy payments thereunder, including when firm or as-available payment is due, are limited to analysis of avoided costs based upon avoided unit's contractually-specified characteristics.

DOCKET NO. 980283-EQ

Chris S. Coutroulis
Robert L. Ciotti
Carlton Fields law firm
One Harbour Place
Post Office Box 3239
Tampa, Florida 33601

ATTORNEYS FOR APPELLANT

David Smith
Richard C. Bellak
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

ATTORNEYS FOR APPELLEES

I N D E X

Florida Power Corporation vs. Florida Public Service Commission
Docket No. 980283-EQ
Supreme Court of Florida Case No. 94,664

VOLUME 1

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Commission conference, filed October 26, 1998 401

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Notice of appeal, filed January 4, 1999, on behalf of FPC 515

Notice of receipt of notice of appeal by Supreme Court of Florida in Case No. 94,664, filed
January 14, 1999 526

Certificate of Director, Division of Records and Reporting 527

Lotus cc:Mail for ROBERTS.BRENDA

TO: ROBERTS.BRENDA at J3-N005

I, Jack C. Hughson, on behalf of the owners of the Casa Del Lago Condominiums, wish to withdraw my protest to PSC 99-1223-PAA-WS. The Staff has seen fit to review and change the items which we questioned as being legitimate and legal. We are now satisfied that the Commission will treat the rate payers in a fair and just manner. Respectfully

yours,

Jack C. Hughson Jr.,

828-733-7221

3259

Land Harbor

Newland, NC 28657

Jack & Lee at: casalee@m-y.net

98198-WS

Lotus cc:Mail for ROBERTS.BRENDA

TO: ROBERTS.BRENDA at J3-N005

I, Jack C. Hughson, on behalf of the owners of the Casa Del Lago Condominiums, wish to withdraw my protest to PSC 99-1223-PAA-WS. The Staff has seen fit to review and change the items which we questioned as being legitimate and legal. We are now satisfied that the Commission will treat the rate payers in a fair and just manner.

yours,

Respectfully

Jack C. Hughson Jr.,

828-733-7221

3259

Land Harbor

Newland, NC 28657

Jack & Lee at: casalee@m-y.net

981198-WS