

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for expansion of electrical cogeneration power plant in Palm Beach County by Florida Power & Light Company and New Hope Power Partnership.

DOCKET NO. 040766-EI

In re: Petition for approval of as-available energy purchase agreement between Florida Power & Light Company and New Hope Power Partnership.

DOCKET NO. 040767-EI

ORDER NO. PSC-04-0748-PCO-EI

ISSUED: August 4, 2004

ORDER ON CONSOLIDATION

On July 21, 2004, a Joint Petition for Determination of Need for an Electrical Power Plant was filed by Florida Power & Light Company (FPL) and New Hope Power Partnership (New Hope). Also on that date, FPL filed a Petition for approval of an as-available energy agreement with New Hope. The Petition for Determination of Need was assigned Docket No. 040766-EI. The subject of the petition is a proposed expansion of New Hope's existing Okeelanta cogeneration plant. The project is expected to generate between 150,000 megawatt-hours (MWH) and 190,000 MWH of net electrical energy per year, which New Hope will sell at wholesale primarily to FPL and to other Florida utilities with responsibility for serving retail customers. New Hope and FPL have executed a power purchase agreement pursuant to which New Hope will sell seventy percent of the project's energy output to FPL at a one percent discount from FPL's avoided cost calculated pursuant to Commission Rule 25-17.0825(2), Florida Administrative Code. The agreement is the subject of the petition which was assigned Docket No. 040767-EI.

Rule 28-106.108, Florida Administrative Code, states that "if there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party." The need determination and proposed purchase agreement are sufficiently related such that the requested approval of the agreement may be appropriately included in the need determination hearing, thereby obviating the need to hold potentially separate hearings in the two dockets. Moreover, the two dockets involve identical parties. Therefore, the consolidation of Dockets Nos. 040766-EI and 040767-EI will promote the just, speedy, and inexpensive resolution of the proceedings.

DOCUMENT NUMBER-DATJ

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FPSC-COMMISSION CLERK

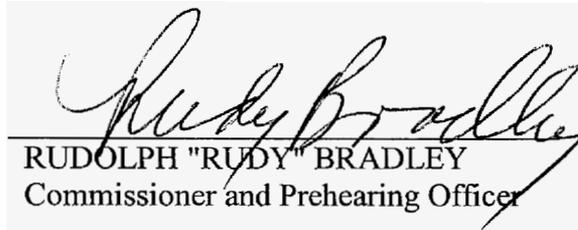
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Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that Docket Nos. 040766-EI and 040767-EI shall be consolidated. It is further

ORDERED that all parties shall reference both Docket Nos. 040766-EI and 040767-EI on all future filings in these proceedings.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 4th day of August, 2004.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

JB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

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

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate

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remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.