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September 15, 1994

Ms. Blanca Bayo
Director
Division of Records & Reporting
Florida Public Service Commission
Room 107 Fletcher Building
Tallahassee, Florida 32399-0850

RE: LFC No. 47 Corp.'s Petition to Intervene

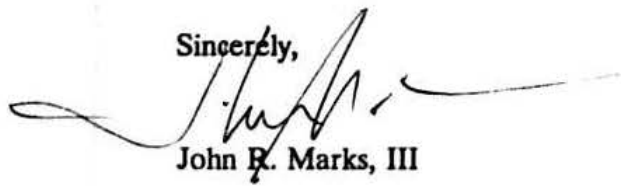
940819-EQ

Dear Ms. Bayo:

Enclosed please find the original and twelve (12) copies of LFC No. 47 Corp.'s Petition to Intervene.

If additional information is needed, please do not hesitate to contact me.

Sincerely,



John R. Marks, III

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG Ballinger
- LEG Brown cc: Herbert Brown
- LIN 6
- OPC 1
- RCH _____
- SEC 1
- WAS _____
- OTH original

JRM/lcg
Enclosures

DOCUMENT NUMBER-DATE

09501 SEP 15 94

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE: Amendment of Standard
Offer Contracts of Florida Power
Corporation and Auburndale Power
Partners, Limited Partnership**

Docket No. 940819-EQ

**LFC NO. 47 CORP'S
PETITION TO INTERVENE**

LFC No. 47 Corp ("LFC 47"), Three Radnor Corporate Center, 100 Matsonford Road, Radnor, Pennsylvania 19087, pursuant to Section 120.57, Florida Statutes, and Rule 25-22.039, Florida Administrative Code, hereby petitions the Commission for leave to intervene in the above captioned proceeding in support of the Joint Petition to Approve Contract Modifications ("Joint Petition") filed by Florida Power Corporation ("FPC") and Auburndale Power Partners, Limited Partnership ("APP"). In compliance with Rule 25-22.036(7)(a), Florida Administrative Code, LFC 47 states the following:

1. The name, address and telephone number of the person who should receive copies of pleadings, notices, and other documents in this proceeding is:

John R. Marks, III
Katz, Kutter, Haigler, Alderman,
Marks & Bryant, P.A.
106 East College Avenue, Suite 1200
Tallahassee, Florida 32301
(904) 224-9634

Substantial Interest Affected

2. LFC 47 is party to two Standard Offer Contracts with Florida Power Corporation (FPC) for the sale of cogenerated power from two power plants owned and

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09501 SEP 15 2003

FPSC-RECORDS/REPORTING

operated by LFC 47 in Madison County and Jefferson County, Florida, respectively. LFC 47 has entered into a Consent and Agreement with Auburndale Power Partners, Limited Partnership ("APP") and FPC in order to exercise its rights to assign the contracts to APP. APP and FPC have filed the Joint Petition with the Commission requesting approval for cost recovery purposes of the Consent and Agreement. The Consent and Agreement are conditioned upon Commission approval which APP and FPC have jointly sought in this docket. Therefore, the Commission's decision in this proceeding will substantially and directly affect LFC 47's ability to exercise its rights under the Standard Offer Contracts and assign the contracts to APP.

Basic Position

3. LFC 47's position is that the Commission should approve the Joint Petition on an expedited basis so that LFC 47 is not deprived of its valuable rights under the Standard Offer Contracts to assign those contracts to APP. Data filed by FPC and LFC 47 in support of the joint petition show that there are substantial benefits and ratepayer savings to be derived from the assignment. These benefits and savings are more than sufficient to support Commission approval of the joint petition.

4. LFC disagrees with staff's recommendation that the Commission should not approve the joint petition. Staff's recommendation appears to be based on the premise that "it would not be good public policy to allow an existing renewable resource facility to be abandoned in order to generate power from a natural gas facility, unless there are substantial benefits to FPC's ratepayers." (See Staff Recommendation dated September 8,

1994 at page 4). Staff's position is not a proper reason for denying approval of the assignment, is inconsistent with Commission approval of other cogeneration contract modifications, and is based on several erroneous assumptions and conclusions.

5. Because of the time that has elapsed in obtaining approval of the assignment, LFC has incurred substantial expense. Additionally, LFC is presently incurring substantial expense to upgrade and refurbish the facilities. This is an expense that LFC can avoid if the Commission expeditiously renders a decision in this matter and approves the assignment. Any continued delay in approval needlessly increases this expense.

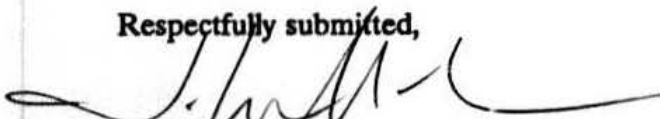
6. LFC 47's substantial interest will be affected by any subsequent Commission decisions or determinations in this docket.

WHEREFORE, LFC 47 requests the Commission to:

- a. Grant LFC No. 47 Corp intervenor status in this proceeding as the real party of interest;
- b. Expeditiously approve the Joint Petition at the September 20, 1994 Agenda; and
- c. Grant such other relief as the Commission deems appropriate.

Dated this 15th day of September, 1994.

Respectfully submitted,



John R. Marks, III
Florida Bar No. 0143026
Katz, Kutter, Haigler, Alderman,
Marks & Bryant, P.A
106 East College Avenue, Suite 1200
Tallahassee, Florida 32301
Attorneys for LFC No. 47 Corp

CERTIFICATE OF SERVICE

I **HEREBY** certify that the original and twelve (12) copies of the Petition to Intervene on behalf of LFC No. 47 Corp, Three Radnor Corporate Center, 100 Matsonford Road, Suite 400, Radnor, Pennsylvania 19087, has been filed with Ms. Blanca Bayo, Director, Division of Records and Reporting, Florida Public Service Commission, Room 107 Fletcher Building, Tallahassee, Florida 32399-0850 and a true and correct copy has been furnished to and by U.S. Mail to Mr. Bruce May, Holland & Knight, 315 South Calhoun Street, Suite 600, Tallahassee, Florida 32301 and Mr. J. Bradford Hines, Florida Power Corporation, Office of General Counsel, 3201 - 34th Street, South, Post Office Box 14042, St. Petersburg, Florida 33733, this 15TH day of September, 1994.



John R. Marks, III