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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL FILE COPY

In Re: Petition of Florida Power Corporation for Determination That Its Plan for Curtailing Purchases from Qualifying Facilities in Minimum Load Conditions is Consistent With Rule 25-17.086, F.A.C.

DOCKET NO. 941101-EQ FILED: October 31, 1994

PETITION OF METROPOLITAN DADE COUNTY AND MONTENAY-DADE, LTD. FOR LEAVE TO INTERVENE AND FOR EVIDENTIARY HEARING

Metropolitan Dade County, Florida ("Dade County") and Montenay-Dade, Ltd. ("Montenay"), pursuant to Commission Rule 25-22.039, Florida Administrative Code, petition the Commission for leave to intervene as a party in the above-styled docket, and for an evidentiary hearing pursuant to Section 120.57(1), Florida Statutes. In support of their petition to intervene, Dade County and Montenay state as follows:

1. The exact name of Dade County and the address of its principal business office are:

ACK ✓ AFA APP C/F C.S. Metropolitan Dade County, a political subdivision of the State of Florida 111 N.W. 1 Street Miami, Florida 33128-1992

2. The exact name of Montenay-Dade, Ltd. and the address of its principal business office are:

EB 3225 Brown Montenay-Dade, Ltd. 3225 Aviation Avenue Fourth Floor Miami, Florida 33133

3. The names and mailing addresses of the persons to whom

all case schedules (CASRs), notices, orders, pleadings, staff recommendations, and other documents and communications in this

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

proceeding and with respect to this petition are:

Robert Scheffel Wright
LANDERS & PARSONS
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For deliveries by hand and by courier service, the ZIP Code for 310 West College Avenue is 32301.

4. Dade County owns and Montenay operates the Dade County Resources Recovery Facility (the "Facility"), located in Dade County, Florida. The Facility is a solid waste facility within the meaning of Florida Statutes and the Commission's rules, and a qualifying small power production facility within the meaning of applicable federal and state law and rules. Dade County sells firm capacity and energy from the facility to FLORIDA POWER CORPORATION ("Florida Power," "FPC") pursuant to that certain Negotiated Contract For The Purchase Of Firm Capacity And Energy From A Qualifying Facility between Dade County and Florida Power Corporation dated March 13, 1991 (the "Contract"). The Contract was approved by Commission Order No. 24734, issued on July 1, 1991 in Docket No. 910401-EQ.

5. Florida Power's petition in this docket requests the Commission's determination that FPC's Generation Curtailment Plan for Minimum Load Conditions (the "Curtailment Plan") is consistent with and permitted under Commission Rule 25-17.086, F.A.C. In its petition, FPC claims that circumstances justifying curtailment of purchases from QFs may or will occur. The

Commission is responsible for verifying that claim pursuant to its rules and to the rules of the U.S. Federal Energy Regulatory Commission. Fla. Admin. Code § 25-17.086 (1993); 18 CFR § 292.304(f)(4) (1993).

6. Because the Facility is one of the non-utility generation facilities subject to FPC's proposed Curtailment Plan, the Commission's actions with respect to FPC's petition for approval of its Curtailment Plan will directly affect the substantial interests of Dade County and Montenay. Such Commission actions may or will determine when, and under what circumstances, FPC may refuse to purchase electric energy from the Facility pursuant to the Contract and the Commission's rules. Commission action might also affect the Facility's capability to process solid waste. Dade County's and Montenay's substantial interests in selling power produced from the Facility, as well as their rights to sell that power pursuant to state and federal law, will be affected by any such determination.

7. Dade County and Montenay believe that certain material issues of fact must be addressed before the Commission can render a determination on the propriety of FPC's Curtailment Plan. These include: the existence of minimum load conditions; the need to curtail purchases from QFs to avoid an excess generation condition; and the cost impacts that FPC can reasonably be expected to incur if it shuts down one of its baseload units during minimum load conditions rather than curtailing purchases from QFs to avoid an excess generation condition. Several mixed

issues of fact, law, and policy must also be addressed in determining the validity of FPC's Curtailment Plan.

8. In view of the issues of fact, law, and policy that must be addressed in determining the validity of FPC's Curtailment Plan, Dade County and Montenay respectfully request that the Commission set this matter for hearing pursuant to section 120.57(1), Florida Statutes.

WHEREFORE, Metropolitan Dade County and Montenay-Dade, Ltd. respectfully ask the Commission to enter its order granting this Petition for Leave to Intervene and directing that copies of all pleadings, notices, orders, and other documents and communications filed, given, or entered herein be furnished to the persons named in Paragraph 3 of this Petition, and to set this matter for hearing pursuant to section 120.57(1), Fla. Stat.

Respectfully submitted this 31st day of October, 1994.

ROBERT A. GINSBURG
Stephen P. Clark Center
Metro-Dade Center
111 N.W. 1 Street, Suite 2810
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By: Gail P. Fels by BSW
GAIL P. FELS
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By: Robert Scheffel Wright
ROBERT SCHEFFEL WRIGHT

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 31st day of October, 1994:

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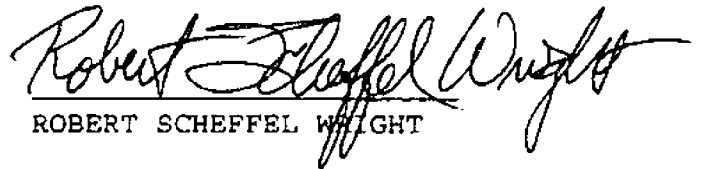
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