

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: November 27, 2002
TO: All Parties of Record and Interested Persons
FROM: Jennifer Brubaker, Esquire, Office of the General Counsel
RE: Docket No. 020398-EQ - Proposed revisions to Rule 25-22.082, F.A.C., Selection of Generating Capacity

A handwritten signature in black ink, appearing to be "JB", written over the "FROM" and "RE" lines of the header.

VIA FACSIMILE

Order No. PSC-02-1514-PCO-EQ, issued November 4, 2002, in this docket, established procedures to be followed at the hearing, and provided that the Prehearing Officer would issue a list of issues and order of presentation, for the purpose of aiding the Commission in its consideration of the rules and possible alternatives and saving time at the hearing. The following information is being distributed in compliance with Order No. PSC-02-1514-PCO-EQ, at the direction of the Prehearing Officer.

At the December 5, 2002, hearing, Commission staff will first present a summary of the proposed rule. Following the staff presentation, participants will have the opportunity to present evidence and argument on the issues and in the order identified herein. It may be necessary to impose time limits for presentations, depending upon the number of participants. Persons with similar presentations should combine to make one presentation. If time permits, persons making presentations will be subject to questions from other persons. Such questions shall be limited only to those necessary to clarify and understand the presenter's position. Persons who wish to participate at the hearing must register at the beginning of the hearing. The general order of presentation for discussion of the proposed rule shall be as follows:

- (1) Members of the Public
- (2) Investor-owned Electric Utilities (IOUs)
- (3) Office of the Public Counsel
- (4) Florida Partnership for Affordable Competitive Energy
- (5) Florida Industrial Power Users Group
- (6) Florida Action Coalition Team
- (7) Florida Crystals
- (8) The City of Tampa and the Solid Waste Authority of Palm Beach County
- (9) Calpine Eastern Corporation
- (10) Other interested persons

Order No. PSC-02-1514-PCO-EQ set forth a number of additional matters for which comments were solicited, namely: (1) bid protest and dispute resolution; (2) the need for an equity penalty or adjustment; (3) utility staffing of bid proposal evaluation; and (4) sharing of benefits flowing from under-budget self-build projects. Discussion on these items shall follow the main rule presentations discussed above, with the following general order of presentation:

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- (1) Members of the Public
- (2) IOUs
- (3) Office of the Public Counsel
- (4) Florida Partnership for Affordable Competitive Energy
- (5) Florida Action Coalition Team
- (6) Calpine Eastern Corporation
- (7) Other interested persons

A tentative list of additional issues follows:

- (1) Should the rule be expanded to include non-Power Plant Siting Act plant additions?
- (2) Should an independent evaluator be retained to select the Request for Proposal (RFP) winner?
- (3) Should an IOU be held to its costs contained in the RFP for the life of the project?
- (4) Should RFP application fees be reduced for local government entities?
- (5) Should an IOU be allowed to perform an electronic auction in lieu of an RFP process?

Discussion on these issues will be conducted at the Commission's discretion. Additional issues may be identified by the Commission at the hearing.

If you have any questions regarding the hearing procedure, please call Jennifer Brubaker, at (850) 413-6228.

JSB/dm

cc: Division of the Commission Clerk and Administrative Services
Division of Economic Regulation (Ballinger, Hewitt)
Division of Competitive Markets and Enforcement (Futrell)
Office of the General Counsel (Brown, Bellak, Harris, C. Keating)