

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for
determination of need for
proposed Stanton Energy Center
Combined Cycle Unit A by Orlando
Utilities Commission, Kissimmee
Utility Authority, Florida
Municipal Power Agency, and
Southern Company-Florida, LLC.

DOCKET NO. 010142-EM
ORDER NO. PSC-01-0959-PHO-EM
ISSUED: April 18, 2001

Pursuant to Notice and in accordance with Rule 28-106.209,
Florida Administrative Code, a Prehearing Conference was held on
April 10, 2001, in Tallahassee, Florida, before Commissioner
Braulio L. Baez, as Prehearing Officer.

APPEARANCES:

ROY C. YOUNG, ESQUIRE, Young, van Assenderp, Varnadoe &
Anderson, P.A., P. O. Box 1833, Tallahassee, Florida
32302-1833
On behalf of Orlando Utilities Commission, Kissimmee
Utility Authority, and Florida Municipal Power Agency.

THOMAS B. TART, ESQUIRE, Orlando Utilities Commission,
500 South Orange Avenue, Orlando, Florida 32802.
On behalf of Orlando Utilities Commission.

D. BRUCE MAY, JR., ESQUIRE, Holland & Knight LLP, 315
South Calhoun Street, Suite 600, Tallahassee, Florida
32302-0810
On behalf of Southern Company-Florida LLC.

WM. COCHRAN KEATING IV, ESQUIRE, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850
On behalf of the Commission Staff.

DOCUMENT NUMBER-DATE

04747 APR 18 2001

PSC-RECORDER/REPORTING

PREHEARING ORDER

I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case. In addition to the procedures set forth herein, opening statements may be made, but shall not exceed ten minutes per party.

II. CASE BACKGROUND

Pursuant to Section 403.519, Florida Statutes, and Rule 25-22.081, Florida Administrative Code, Orlando Utilities Commission ("OUC"), Kissimmee Utility Authority ("KUA"), Florida Municipal Power Agency ("FMPA"), and Southern Company-Florida LLC ("Southern-FL"), (collectively, "Joint Petitioners") filed a joint petition on January 31, 2001, for determination of need for a proposed electrical power plant. Jurisdiction over this matter is vested in the Commission through Section 403.519, Florida Statutes. An administrative hearing on the petition is scheduled for April 23 and 24, 2001. To date, no person has intervened in this docket.

Based on the information reviewed in this docket, Commission staff ("staff") believes that the positions taken by the Joint Petitioners on all issues set forth herein are appropriate. Therefore, staff is prepared to present the Commission with a recommendation at hearing for approval of these positions. The Commission, at its discretion, may render a bench decision on any or all of the issues set forth herein.

III. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality

has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 366.093, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

1. Any party intending to utilize confidential documents at hearing for which no ruling has been made, must be prepared to present their justifications at hearing, so that a ruling can be made at hearing.

2. In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- a) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- b) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- c) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall

be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

- d) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- e) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Division of Records and Reporting's confidential files.

IV. POST-HEARING PROCEDURES

Each party shall file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, Florida Administrative Code, a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 40 pages and shall be filed at the same time. If the Commission renders a bench decision on the joint petition at the hearing, no post-hearing filings shall be required.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to five minutes. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

VI. ORDER OF WITNESSES

As a result of discussions at the prehearing conference, each witness whose name is preceded by an asterisk (*) has been excused from this hearing if no Commissioner assigned to this case seeks to cross-examine the particular witness. Parties shall be notified as to whether any such witness shall be required to be present at hearing. The testimony of excused witnesses will be inserted into the record as though read, and all exhibits submitted with those witnesses' testimony, as shown in Section IX of this Prehearing Order, shall be identified and admitted into the record.

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
*Frederick F. Haddad	OUC, KUA, FMPPA	3, 4, 5, 15

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
*Douglas E. Jones	Southern-FL	15
*Thomas O. Anderson	Southern-FL	4, 8, 12, 15
*Paul A. Arsuaga	OUC, KUA, FMFA	5, 9, 13, 15
*William Herrington	OUC, KUA, FMFA	5, 9, 13, 15
*Stephen L. Thumb	Southern-FL	5, 9, 13, 15
*Jill Schuepbach	OUC, KUA, FMFA	6, 10, 14, 15
*Eric Fox	OUC	3, 4, 15
*Myron Rollins	OUC, KUA, FMFA	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
*John E. Hearn	OUC	4, 5, 6, 15
*Abani Kumar Sharma	KUA	7, 8, 9, 15
*Jonathan Schaefer	KUA	7, 8, 10, 15
*Richard L. Casey	FMFA	11, 12, 13, 15

VII. BASIC POSITIONS

JOINT PETITIONERS:

The Joint Petitioners seek an affirmative determination of need for the proposed Stanton Energy Center Combined Cycle Unit A ("Stanton A" or the "Project") to meet the obligations of OUC, KUA and FMFA to maintain electric system reliability and integrity and to continue to allow OUC, KUA and FMFA to provide adequate electricity to their ratepayers at a reasonable cost. Stanton A is a highly efficient, state-of-the-art, natural gas-fired electrical power plant the output of which will either be owned by OUC, KUA and FMFA, or fully committed by Southern-Florida to OUC, KUA and FMFA pursuant to Power Purchase Agreements ("PPAs"). As demonstrated in the Need for Power Application, as revised, Stanton A is needed for electric system reliability and integrity before the summer of 2004 when, absent Stanton A, the reserve margins of OUC, KUA and FMFA would drop below

their reserve margin criteria. Further, the F class technology of Stanton A is the most efficient generating technology that is in reliable commercial operation and will provide adequate electricity at a reasonable cost to OUC, KUA, FMPA and Peninsular Florida. In addition, the Project is the most cost-effective alternative available to OUC, KUA and FMPA. The decision to seek approval of the Project was made only after OUC, KUA and FMPA analyzed: (1) responses to a Request for Proposals ("RFP") for joint development projects utilizing sites available at the Stanton Energy Center and/or Cane Island; (2) responses to a second RFP for power supply proposals from any source and/or technology, other than units built at the Stanton Energy Center; and (3) OUC self-build alternatives. No cost-effective conservation measures were found that could mitigate the need for Stanton A. For all these reasons, as more fully developed in the Need for Power Application, as revised, and supporting appendices, and the pre-filed testimony filed by the Joint Petitioners in this docket, the Commission should grant a favorable determination of need for Stanton A.

STAFF: Based on the information reviewed in this docket, staff believes that the positions taken by the Joint Petitioners on all issues set forth herein are appropriate.

VIII. ISSUES AND POSITIONS

The position listed for each issue is the position adopted by the Joint Petitioners after discussions with staff. As previously, stated, staff is prepared to present the Commission with a recommendation at hearing for approval of these positions.

ISSUE 1: Are the Orlando Utilities Commission, Kissimmee Utility Authority, Florida Municipal Power Agency, and Southern Company-Florida LLC, "applicants" within the meaning of Section 403.519, Florida Statutes?

POSITION: Yes. OUC, as part of the government of the City of Orlando and as an entity engaged in the generation, transmission, and distribution of electric power for

consumption by retail customers in Florida, is an "electric utility" as defined by Section 403.503(13), Florida Statutes, and thus, is an "applicant" as defined by Section 403.503(4), Florida Statutes. Therefore, OUC is a proper applicant for a determination of need pursuant to Section 403.519, Florida Statutes.

KUA, as part of the government of the City of Kissimmee and as an entity engaged in the generation, transmission, and distribution of electric power for consumption by retail customers in Florida, is an "electric utility" within the meaning of Section 403.503(13), Florida Statutes, and, thus, is an "applicant" as defined by Section 403.503(4), Florida Statutes. Therefore, KUA is a proper applicant for a determination of need pursuant to Section 403.519, Florida Statutes.

FMPA, as a joint agency formed pursuant to the Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, and exercising powers under the Joint Power Act, Chapter 361, part II, Florida Statutes, is an "electric utility" within the meaning of Section 403.503(13), Florida Statutes, and, thus, is an "applicant" as defined by Section 403.503(4), Florida Statutes. Therefore, FMPA is a proper applicant for a determination of need pursuant to Section 403.519, Florida Statutes.

Southern-FL, as a joint-owner and operator of the proposed electrical power plant, the entire capacity of which is committed to OUC, KUA, and FMPA pursuant to purchased power agreements for a minimum term of ten years, is an appropriate joint applicant pursuant to the Commission's decisions and the Florida Supreme Court's decision in Nassau Power Corp. v. Deason, 641 So.2d 396 (Fla. 1994).

ISSUE 2: Is the output of Stanton Energy Center Unit A fully committed for use by Florida retail electric customers in compliance with the Florida Supreme Court's decision in Tampa Electric Co. et. al. v. Garcia, 25 Fla. L. Weekly S294 (April 20, 2000)?

POSITION: Yes. The proposed Stanton Unit A will be fully committed to helping OUC, KUA, and FMPA meet their obligations to provide reliable electric service to ratepayers at a reasonable cost. Thirty-five percent of the Stanton A capacity will be owned by OUC, KUA, and FMPA, with the remaining 65 percent of the capacity owned by Southern-FL. Under individual purchased power agreements ("PPAs"), Southern-FL will sell all of its capacity from the Project to OUC, KUA, and FMPA for a minimum term of 10 years. The PPAs also provide OUC, KUA, and FMPA with unilateral options to acquire Southern-FL's capacity for a term of up to 30 years. This does not preclude OUC, KUA, and FMPA from making wholesale sales, from their respective ownership shares, inside and outside the state, when it is in the best interests of these utility's retail ratepayers.

Orlando Utilities Commission

ISSUE 3: Is Stanton Energy Center Unit A needed, taking into account the Orlando Utilities Commission's need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. The addition of Stanton A, as part of OUC's overall expansion plan, will improve OUC's reliability, resulting in a reserve margin of 18.3 percent in the summer of 2004, exceeding OUC's minimum reserve margin requirement of 15 percent. In addition, Stanton A will enhance the reliability of both OUC's system and Peninsular Florida.

ISSUE 4: Is Stanton Energy Center Unit A needed, taking into account the Orlando Utilities Commission's need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. Stanton A will allow OUC to meet its 15 percent minimum reserve margin criteria. Stanton A is expected to provide power at a reasonable cost as it was selected as the most cost-effective alternative available. Evaluation of responses to the Joint Development RFP, Power Supply RFP, alternative self-build options, and

demand-side management options show Stanton A is expected to provide power at a reasonable cost.

ISSUE 5: Is Stanton Energy Center Unit A the most cost-effective alternative available to meet the needs of the Orlando Utilities Commission, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Stanton A is the most cost-effective alternative available. Evaluation of responses to the Joint Development RFP and Power Supply RFP showed Stanton A to be the most cost-effective alternative. The expansion plan including Stanton A is projected to result in approximately \$6.6 million in cumulative present worth savings over the next best self-build alternative.

ISSUE 6: Are there any conservation measures taken by or reasonably available to the Orlando Utilities Commission that might mitigate the need for Stanton Energy Center Unit A, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: No. There are no conservation measures taken by or reasonably available to OUC which might mitigate the need for the proposed power plant. OUC is subject to the Commission's jurisdiction under FEECA. In Order No. PSC-00-0587-FOF-EG, issued March 23, 2000, the Commission found that no demand-side management ("DSM") measures were cost-effective and established OUC's numeric conservation goals at zero. Nevertheless, OUC evaluated in detail the most cost-effective demand-side management measures from FPL's 2000 Demand-Side Management Plan. None of the potential measures passed the rate impact measure test using base case and high fuel price sensitivities. OUC, however, offers its customers the following programs: Residential Energy Survey, Residential Heat Pump, Residential Weatherization, Low Income Home Energy Fixup, Educational Outreach, and Commercial Energy Survey.

Kissimmee Utility Authority

ISSUE 7: Is Stanton Energy Center Unit A needed, taking into account the Kissimmee Utility Authority's need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. The addition of Stanton A will improve KUA's reliability, resulting in a reserve margin of 17.8 percent in the summer of 2004, exceeding KUA's minimum reserve margin requirement of 15 percent. KUA's excess entitlements to Stanton A will be purchased by OUC through 2006. In addition, Stanton A will enhance the reliability of both KUA's system and Peninsular Florida.

ISSUE 8: Is Stanton Energy Center Unit A needed, taking into account the Kissimmee Utility Authority's need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. Stanton A will allow KUA to meet its 15 percent reserve margin criteria. Stanton A is expected to provide power at a reasonable cost as it was selected as the most cost-effective alternative available. Evaluation of responses to the Joint Development RFP, Power Supply RFP, alternative self-build options, and demand-side management options show Stanton A is expected to provide power at a reasonable cost.

ISSUE 9: Is Stanton Energy Center Unit A the most cost-effective alternative available to meet the needs of the Kissimmee Utility Authority, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. Stanton A is the most cost-effective alternative available. Evaluation of responses to the Joint Development RFP and Power Supply RFP showed Stanton A to be the most cost-effective alternative. The expansion plan including Stanton A is projected to result in approximately \$1.62 million in cumulative present worth savings over the next best self-build alternative.

ISSUE 10: Are there any conservation measures taken by or reasonably available to the Kissimmee Utility Authority that might mitigate the need for Stanton Energy Center Unit A, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: No. There are no conservation measures taken by or reasonably available to KUA which might mitigate the need for the proposed power plant. KUA is not subject to the Commission's jurisdiction under FEECA. Nevertheless, KUA evaluated in detail the most cost-effective DSM measures from FPL's 2000 Demand-Side Management Plan. Three of these measures are already being offered by KUA. None of the next most cost-effective FPL conservation measures passed the rate impact measure test using base case and high fuel price sensitivities. KUA, however, offers the following programs to its customers: Residential Load Management, Residential and Energy Audit, Fix up program, High pressure sodium street lighting/private area lighting conversion, and Elimination of electric strip heating.

Florida Municipal Power Agency

ISSUE 11: Is Stanton Energy Center Unit A needed, taking into account the Florida Municipal Power Agency's need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. The addition of Stanton A is expected to improve the reliability of FMPA's system. Even with the addition of its share of Stanton A, FMPA's reserve margin for the summer of 2004 is projected to be 13.1 percent, with FMPA needing an additional 50 megawatts in the summer of 2004 to achieve its 18% summer reserve margin. The addition of other capacity resources beyond this period will allow FMPA to achieve its minimum reserve margin. Also, Stanton A will enhance the reliability of both FMPA's system and Peninsular Florida.

ISSUE 12: Is Stanton Energy Center Unit A needed, taking into account the Florida Municipal Power Agency's need for

adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: Yes. Stanton A will improve FMPA's reliability. Stanton A is expected to provide power at a reasonable cost as it was selected as the most cost-effective alternative available. Evaluation of responses to the Joint Development RFP, Power Supply RFP, alternative self-build options, and demand-side management options show Stanton A is expected to provide power at a reasonable cost.

ISSUE 13: **Is Stanton Energy Center Unit A the most cost-effective alternative available to meet the needs of the Florida Municipal Power Agency, as this criterion is used in Section 403.519, Florida Statutes?**

POSITION: Yes. Stanton A is the most cost-effective alternative available. Evaluation of responses to the Joint Development RFP and Power Supply RFP showed Stanton A to be the most cost-effective alternative. The expansion plan including Stanton A is projected to result in approximately \$38.7 million in cumulative present worth savings over the next best self-build alternative.

ISSUE 14: **Are there any conservation measures taken by or reasonably available to the Florida Municipal Power Agency that might mitigate the need for Stanton Energy Center Unit A, as this criterion is used in Section 403.519, Florida Statutes?**

POSITION: No. There are no conservation measures taken by or reasonably available to FMPA which might mitigate the need for the proposed power plant. FMPA is not subject to the Commission's jurisdiction under FEECA. Nevertheless, FMPA evaluated in detail the most cost-effective demand-side management measures from FPL's 2000 Demand-Side Management Plan. None of the potential measures passed the rate impact measure test using base case and high fuel price sensitivities. FMPA's members, however, offer the following programs to customers: Residential Energy Audits, High-Pressure Sodium Outdoor Lighting Conservation, Assistance for Commercial/Industrial Audits, Commercial Time-of-Use,

Natural Gas Promotion, Fix-Up Program for the Elderly and Handicapped, and Residential Load Management.

ISSUE 15: Based on the resolution of the foregoing issues, should the Commission grant the joint petition for determination of need by the Orlando Utilities Commission, Kissimmee Utility Authority, Florida Municipal Power Agency, and Southern Company-Florida LLC, for Stanton Energy Center Unit A?

POSITION: Yes. Based on the resolution of the foregoing issues, the joint petition by OUC, KUA, FMPPA, and Southern-FL for determination of need for Stanton A should be granted.

ISSUE 16: Should this docket be closed?

POSITION: This docket should be closed after the time for filing an appeal has run.

IX. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>Direct</u>			
Frederick H. Haddad	OUC, KUA, FMPPA	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1A.3.1.1, 1A.3.2, 1A.3.4.3, 1A.3.9, 1A.4.0, 1A.6.1, 1A.6.2, 1A.6.4, 1A.6.5, Appendix 1A.A, Appendix 1A.B, and Section 1B2.0)
Frederick H. Haddad	OUC, KUA, FMPPA	_____ (OUC-2)	Revisions to the Need for Power Application, Volume 1G. (Table 1B.2-1)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Frederick H. Haddad	OUC, KUA, FMPPA	Confidential Exhibit A	Confidential Portions of Need for Power Application, Volume 1F. (Sections 1A.3.1.1, 1A.3.2, 1A.3.4.3, 1A.3.9, 1A.4.0, 1A.6.1, 1A.6.2, 1A.6.4, 1A.6.5, Appendices 1A.A and 1A.B)
Douglas E. Jones	Southern-FL	<hr/> (DEJ-1)	Organizational Chart of The Southern Company
Thomas O. Anderson	Southern-FL	<hr/> (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1A.3.1.2, 1A.3.3, 1A.3.4.1, 1A.3.4.2, 1A.3.5, and 1A.3.7)
Thomas O. Anderson	Southern-FL	<hr/> (OUC-2)	Revisions to the Need for Power Application, Volume 1G. (Figures 1A.3-3, 1A.3-4, and 1A.3-6)
Thomas O. Anderson	Southern-FL	Confidential Exhibit A	Confidential Portions of Need for Power Application, Volume 1F. (Sections 1A.3.1.2, 1A.3.3, 1A.3.4.1, 1A.3.4.2, 1A.3.5, 1A.3.7)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Paul A. Arsuaga	OUC, KUA, FMPA	Confidential Exhibit B	Joint Development & Power Purchase RFP Evaluations. (August 2, 2000 Letter from Selvin Dottin to Frederick F. Haddad and August 8, 2000 Letter from Paul A. Arsuaga to Frederick F. Haddad)
Paul A. Arsuaga	OUC, KUA, FMPA	_____ (PAA-1)	Professional Resume of Paul A. Arsuaga
Paul A. Arsuaga	OUC, KUA, FMPA	_____ (PAA-2)	E v a l u a t i o n Guidelines
Paul A. Arsuaga	OUC, KUA, FMPA	_____ (PAA-3) (PAA-4) (Confidential Exhibit C)	Revised Power Purchase Evaluations
William Herrington	OUC, KUA, FMPA	Confidential Exhibit B	Joint Development & Power Purchase RFP Evaluations. (August 8, 2000 Letter from William H. Herrington to Fred Haddad)
Stephen L. Thumb	Southern-FL	_____ (SLT-1)	Mr. Thumb's Resume
Stephen L. Thumb	Southern-FL	_____ (SLT-2)	Update to Forecast for Crude Oil
Stephen L. Thumb	Southern-FL	_____ (SLT-3)	Comparison of Natural Gas Price Forecasts

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Jill Schuepbach	OUC, KUA, FMPA	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. Sections 1A.8.0, 1B.5.2, 1C.5.2, and 1D.5.2)
Jill Schuepbach	OUC, KUA, FMPA	_____ (OUC-2)	Revisions to the Need for Power Application, Volume 1G. (Sections 1A.8.0 and 1B.5.2, and Table 1C.5-3)
Jill Schuepbach	OUC, KUA, FMPA	Confidential Exhibit A	Confidential Portions of Need for Power Application, Volume 1F. (Sections 1A.8.0
Jill Schuepbach	OUC, KUA, FMPA	_____ (JAS-1)	FIRE Model Results
Eric Fox	OUC	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Section 1B.4.0 and Appendix 1B.A)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Myron Rollins	OUC, KUA, FMFA	<u> </u> (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1A.1, 1A.2, 1A.3.5, 1A.3.8, 1A.5, 1A.6.3, 1A.7, 1A.9, 1A.10, 1A.11, 1B.1, 1B.3, 1B.6, 1B.7, 1B.8, 1C.1, 1C.3, 1C.6, 1C.7, 1C.8, 1D.1, 1D.3, 1D.6, 1D.7, 1D.8, Appendices 1A.D, 1A.E, 1B.B, 1C.A, and 1D.A)
Myron Rollins	OUC, KUA, FMFA	<u> </u> (OUC-2)	Revisions to the Need for Power Application, Volume 1G. (Sections 1A.2 and 1A.5, Figure 1A.9-1, Sections 1B.6.2, 1B.7, and 1B.8, Appendix 1B.B, Sections 1C.1 and 1C.8, Appendix 1C.A, Sections 1D.1, 1D.3, 1D.7, and 1D.8, Appendix 1D.A, and Volume 1F Table 1A.2-1)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Myron Rollins	OUC, KUA, FMFA	Confidential Exhibit A	Confidential Portions of Need for Power Application, Volume 1F. (Sections 1A.1, 1A.2, 1A.3.5, 1A.3.8, 1A.5, 1A.6.3, 1A.7, 1A.9, 1A.10, 1A.11, Appendices 1A.D, 1A.E, 1B.B, 1C.A, and 1D.A)
John E. Hearn	OUC	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1B.5.1 and 1B.9.0)
Abani Kumar Sharma	KUA	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1C.2.0 and 1C.9.0)
Jonathan Schaefer	KUA	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1C.4.0 and 1C.5.1)
Richard L. Casey	FMFA	_____ (OUC-1)	Need for Power Application, Volumes 1A, 1B, 1C, and 1D. (Sections 1D.2.0, 1D.4.0, 1D.5.1, and 1D.9.0)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Richard L. Casey	FMPPA	_____ (OUC-2)	Revisions to the Need for Power Application, Volume 1G. (Section 1D.2.0)
Various	Staff	_____ (Staff-1)	Depositions of Frederick F. Haddad, Jr., and Myron Rollins; Proof of Publication of Newspaper Notice

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. PROPOSED STIPULATIONS

As previously stated, staff believes that the positions taken by the Joint Petitioners on the issues set forth herein are appropriate, based on the information reviewed in this docket.

XI. PENDING MOTIONS

There are no motions pending at this time.

XII. PENDING CONFIDENTIALITY MATTERS

The following requests for confidential classification are currently pending:

Orlando Utilities Commission's Request for Confidential Classification, filed January 31, 2001.

Southern-Florida's Request for Confidential Classification, filed January 31, 2001.

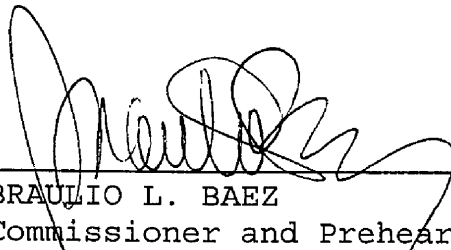
Orlando Utilities Commission's Second Request for Confidential Classification, filed March 5, 2001.

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It is therefore,

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 18th day of April, 2001.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

WCK

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.

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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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Records and Reporting, 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 remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.