

Commissioners:

JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

State of Florida



Blanca S. Bayó, Director
Division of Records and Reporting
(904) 413-6770

Public Service Commission

DATE: June 9, 1997
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: Docket No. ~~970261~~-EI - Review of nuclear outage at Florida Power Corporation's Crystal River Unit 3.

This is to inform you that Commissioner Garcia has reported the following communication in the above-referenced docket.

- Memorandum reporting verbal communication with Mr. Mike Twomey on May 20, 1997.

The memorandum, a copy of which is attached, is being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S. any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

BSB/cp

- ACK _____
- AtFA _____
- APP _____ cc: Rob Vandiver/w/letter
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LE _____
- LD _____
- OL _____
- PS _____
- S _____
- V _____
- C _____

CERTIFICATE OF SERVICE

Docket No. 970261-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power Corporation's Notice of Service of Supplemental Responses to Public Counsel's Second Request for Production of Documents to Florida Power Corporation has been sent by regular U.S. mail to the following individuals on June 5, 1997:

John W. McWhirter, Jr.
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
P.O. Box 3350
Tampa, FL 33601

Joseph A. McGlothlin
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas
117 South Gadsden Street
Tallahassee, FL 32301

Louis D. Putney, Esquire
4805 S. Himes Avenue
Tampa, FL 33611

Michael A. Gross
Assistant Attorney General
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050

James M. Scheffer, President
Lake Dora Harbour Homeowners
Association, Inc.
130 Lakeview Lane
Mt. Dora, FL 32757

Bob Elias, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building, Room 370
Tallahassee, FL 32399-0850

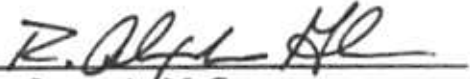
J. Roger Howe
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Monte E. Belote
Florida Consumer Action Network
4100 W. Kennedy Blvd., Suite 128
Tampa, FL 33609

Michael B. Twomey, Esquire
P.O. Box 5256
Tallahassee, FL 32314-5256

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL

By: 

James A. McGee

R. Alexander Glenn

Post Office Box 14042

St. Petersburg, FL 33733-4042

Telephone: (813) 866-5587

Facsimile: (813) 866-4931

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
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Blanca S. Bayó, Director
Division of Records and Reporting
(904) 413-6770

Public Service Commission

DATE: June 9, 1997
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: Docket No. ~~970251~~-EI - Review of nuclear outage at Florida Power Corporation's Crystal River Unit 3.

This is to inform you that Commissioner Garcia has reported the following communication in the above-referenced docket.

- Memorandum reporting verbal communication with Mr. Mike Twomey on May 20, 1997.

The memorandum, a copy of which is attached, is being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S. any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

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- ACK _____
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- CTR _____
- EAG _____
- LEI _____
- LI _____
- SI _____
- V _____
- C _____

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DOCUMENT NUMBER-DATE

05681 JUN-96

FPSC-RECORDS/REPORTING

Joe Garcia
Commissioner

State of Florida



Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6042
FAX (904) 487-1716

Public Service Commission

MEMORANDUM

RECEIVED

May 28, 1997

MAY 29 1997

TO: Blanca Bayó
Director, Division of Records and Reporting

FROM: Braulio L. Baez, Assistant to Comm. Garcia

RE: Oral Communication Regarding Docket 970261-EI
Pursuant to Section 350.042, Florida Statutes

FPSC - Records/Reporting

On Tuesday, May 20, 1997, Commissioner Garcia met with Michael Twomey to discuss the water and wastewater margin reserve rule currently under consideration by this Commission. As an aside, Mr. Twomey engaged the Commissioner in a discussion of issues regarding the then-upcoming service hearings in the above proceeding. In an abundance of caution, this may be considered ex parte.

The substance of the communication was related to the terms of the tentative approval of the fuel adjustment granted in February 1997. Mr. Twomey asserted that the 12-month period approved for recovery of the fuel adjustment did not accurately reflect the potential or scale of future fuel adjustments associated with the facts and circumstances being considered in the above proceeding. Commissioner Garcia offered no response to this assertion, other than to acknowledge that those issues identified by Mr. Twomey should be properly addressed in this docket.

This oral communication by Mr. Twomey is substantially the same as the testimony he later gave before the entire Commission, at the service hearing held in Clearwater, Florida on May 21, 1997. At the time of this oral communication, neither Commissioner Garcia nor I was aware that Mr. Twomey was representing a client with the intent to intervene in the above proceeding. I believe it is necessary to place this memorandum on the record of the proceeding pursuant to Section 350.042, Florida Statutes.

Please give notice of this oral communication to all parties to the docket; and inform them they have ten days from receipt of the notice to file a response.

From: Carol Purvis Confirm receipt
To: Curtis Williams, Billy Stiles, Braulio Baez, Bill Berg, Brenda Ferris
Subject: Ex Parte

-----NOTE-----
BCC: Robby Cunningham

.....
Commissioner Garcia has reported an oral communication with Mr. Mike Twomey on May 20, 1997, concerning Docket No. 960261-EI. We are preparing to distribute this information to the parties to this docket. Would you please let me know if your Commissioner also participated in an oral communication with Mr. Mike Twomey.

From: Carol Purvis
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams
Subject: fwd: Ex Parte

---NOTE-----5/30/97--3:15pm-----
Commissioner Garcia has reported an oral communication with Mr. Mike Twomey on May 20, 1997, concerning Docket No. 960261-EI. We are preparing to distribute this information to the parties to this docket. Would you please let me know if your Commissioner also participated in an oral communication with Mr. Mike Twomey.

Fwd-by:=-Curtis-Willia-5/30/97--5:56pm-----
Fwd to: Carol Purvis

Chairman Johnson did not participate.

From: Carol Purvis Confirm receipt
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams
Subject: fwd: Ex Parte

NOTE**5/30/97**3:15pm*****
Commissioner Garcia has reported an oral communication with Mr. Mike Twomey on May 20, 1997, concerning Docket No. 960261-EI. We are preparing to distribute this information to the parties to this docket. Would you please let me know if your Commissioner also participated in an oral communication with Mr. Mike Twomey.

Fwd-by: =Billy=Stiles==6/02/97==9:02am*****
Fwd to: Carol Purvis
CC: Kay Posey, Susan Clark
.....

Are you sure about your docket no.? CMS shows 960261 to be a request by United Tel. Co. to block incoming calls at a payphone. In any event, Commissioner Clark has had no reportable communications with Mr. Twomey.

Fwd-by: =Carol=Purvis*****
Fwd to: Billy Stiles
.....
Sorry, should have 970261-EI - FPC/CR3.

From: Carol Purvis CONFIRMED
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams
Subject: fwd: Ex Parte

---NOTE-----5/30/97--3:15pm-----
Commissioner Garcia has reported an oral communication with Mr. Mike Twomey on May 20, 1997, concerning Docket No. 960261-EI. We are preparing to distribute this information to the parties to this docket. Would you please let me know if your Commissioner also participated in an oral communication with Mr. Mike Twomey.

Fwd-by: -Brenda-Ferris-6/02/97--8:56am-----
Fwd to: Carol Purvis

.....
Commissioner Kiesling was out of the office on May 20th attending a customer meeting in Winter Park. She did not meet with Mr. Towmey.

From: Carol Purvis
To: Bill Berg, Billy Stiles, Braulio Baez, Brenda Ferris, Curtis Williams
Subject: fwd: Ex Parte

-----NOTE-----5/30/97--3:15pm-----
Commissioner Garcia has reported an oral communication with Mr. Mike Twomey on May 20, 1997, concerning Docket No. 960261-EI. We are preparing to distribute this information to the parties to this docket. Would you please let me know if your Commissioner also participated in an oral communication with Mr. Mike Twomey.

Fwd-by:=Bill=Berg-----6/02/97--1:51pm-----
Fwd to: Carol Purvis

.....
Commissioner Deason has not participated in an oral communication with Mr. Mike Twomey regarding Docket No. 970261-EI.
