STEEL HECTOR **DAVIS**

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Steel Hector & Davis . . . 215 South Monroe Suite 601 Lattahassee Fronda 32301-1804 904 222 2300 904 270 RESSUL

Charles A Guyton 954 227 147 (

December 3, 1997

By Hand Delivery

Blanca S Bayo, Director Records and Reporting Florida Public Service Commission 4075 Esplanade Way, Room 110 Tallahassee, Florida 32399-0850

> Petition of Duke Energy New Smyrna Beach Power Company, L.L.P. for Re: Declaratory Statement Concerning Eligibility To Obtain Determination of Need Pursuant to Section 403.519, Florida Statutes Docket No. 971446-EU

Dear Ms Bayo

Enclosed for filing on behalf of Florida Power & Light Company are the original and fifteen (15) copies of Notice of Supplemental Authority in Docket No 971446-EU Also enclosed is an additional copy of the notice which we request that you stamp and return to our runner

If you or your Staff have any questions regarding this filing, please contact me at 222-2300

Very truly yours,

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305 577 7000

West Palm Beach 561 650 7700 561 655 1509 Fax

305 577 7001 fax

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Energy New Smyrna)	Docket No. 971446-EU
Beach Power Company, L.L.P. for)	
Declaratory Statement Concerning)	
Eligibility To Obtain Determination of Need)	
Pursuant to Section 403.519, Florida Statutes)	Filed: December 3, 1997

FLORIDA POWER & LIGHT COMPANY'S NOTICE OF SUPPLEMENTAL AUTHORITY

On December 1, 1997 FPL filed an amicus curiae memorandum of law in Docket

No. 971337-EU. On December 2, 1997 filed a motion seeking amicus curiae participation in this

proceeding and asking the Commission to accept the amicus curiae legal memorandum

submitted in Docket No. 971337-EU as an amicus curiae legal memorandum in this docket.

FPL has just found an additional authority which evidences the Commission's interpretation of the Siting Act as requiring that a non-utility generator must first secure a contract with a purchasing utility before proceeding with a determination of need FPL received a copy of this authority today. FPL has attached this supplemental authority to this notice. FPL asks that the Commission consider this authority in its deliberation of the petition in this case

Respectfully submitted,

Steel Hector & Davis LLP 215 S. Monroe St, Suite 601 Tallahassee, Florida 32301 Attorneys for Florida Power

& Light Company

Charles A Guyton

12328 DEC-35

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Supplemental Authority was served by Hand Delivery (when indicated with an *) or mailed this 3rd day of December, 1997 to the following

Richard Bellak, Esquire *
Division of Legal Services
Florida Public Service Commission
4075 Esplanade Way, Room 370
Tallahassee, Florida 32399-0850

John W. McWhirter, Jr., Esquire McWhirter, Reeves, McGlothlin, Davidson, Rief & Bakas, P.A. Post Office Box 3350 100 North Tampa Street Tampa, Florida 33602-5126

James A. McGee, Esquire Florida Power Corporation Post Office Box 14042 St. Petersburg, Florida 33733-4042

Gary Sasso, Esquire Carlton Fields P.O. Box 2861 St. Petersburg, Florida 33731 Robert Schefel Wright, Esquire * Landers & Parson 310 West College Avenue Tallahassee, Florida 32301

Robert S. Lilien Duke Energy Power Services, LLC 422 Church Street, PBOSB Charlotte, North Carolina 28242

Joseph A. McGlothlin, Esquire * Vicki Gordon Kaufman McWharter, Reeves, McGlothlin, Davidson, Ref & Bakas, P. A. 117 South Gadaden Street Tallahassee, Florida 32301

Charles A. Quyton