

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Duke Energy New Smyrna)
Beach Power Company, L.L.P. for)
Declaratory Statement Concerning)
Eligibility To Obtain Determination of Need)
Pursuant to Section 403.519, Florida Statutes)

Docket No. 971446-EU

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,

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By: 
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DOCUMENT NUMBER-DATE

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FPSC-1997-12328-REPORTING

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:

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