



Florida Municipal Power Agency

Frederick M. Bryant
General Counsel

VIA HAND DELIVERY

July 7, 2005

Blanca Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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COMMISSION
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RE: Docket No. 050256-EM

Dear Ms. Bayó:

I am the General Counsel and Chief Legal Officer of the Florida Municipal Power Agency (FMPA), responsible for the management and oversight of all legal affairs of FMPA. I, along with the General Manager and CEO, am one of the two Board appointed officers of FMPA.

All actions being undertaken now and all regulatory approvals being sought by FMPA with regard to the Treasure Coast Energy Center Unit 1 (TCEC1) project have been approved by the appropriate governing bodies of FMPA.

TCEC1 is to be a project of FMPA's All-Requirements Power Supply Project (the ARP). Fifteen of FMPA's members participate in the All-Requirements Power Supply Project (ARP Participants). The ARP Participants govern the ARP through the ARP Project Committee. The ARP Project Committee, to date has approved: (i) the purchase of the Treasure Coast Energy Center site, (ii) the expenditure of necessary funds, to the extent of more than \$3 million, for the completion of preliminary engineering and regulatory approval activities, including preparing and filing the Site Certification Application and the Need for Power Application; (iii) a modified EPC (engineer, procure, construct) approach for the procurement and construction of TCEC1; and (iv) borrowing \$17,765,000 for the first stages of engineering and development of TCEC1.

Each of the fifteen ARP Participants appoints a representative to sit on the ARP Project Committee and each representative has an equal vote on all matters coming before the ARP Project Committee. The ARP Project Committee has incrementally approved certain expenditures and activities for the TCEC1 project prior to voting on final project approval. This incremental approval process has been utilized by the ARP Project Committee to minimize the funding exposure of the ARP for TCEC1 prior to regulatory approval. All actions being

- CMP _____
- COM 5 _____
- CTR _____
- ECR 1 _____
- GCL 1 _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1 _____
- OTH _____

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undertaken now and all approvals being sought by FMPA with regard to TCEC1 have been approved by the ARP Project Committee.

All ARP Project Committee approvals related to TCEC1 are then approved by the FMPA Executive Committee or Board of Directors. The Executive Committee and/or Board of Directors has approved all actions being undertaken now and all approvals being sought by FMPA with regard to TCEC1.

As General Counsel and Chief Legal Officer I can affirm that all approvals of FMPA's governing bodies necessary to this point with regard to TCEC1 have been given in accordance with all applicable legal requirements.

Very truly yours,

A handwritten signature in cursive script that reads "Frederick M. Bryant". The signature is written in dark ink and is positioned to the right of the typed name.

Frederick M. Bryant
General Counsel

FMB:JLF

Cc: Certificate of Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing has been furnished to the following by e-mail and U.S. Mail, postage prepaid, this 7th day of July, 2005:

Martha Carter Brown
Staff Counsel
Florida Public Service Commission
2520 Shumard Oak Boulevard
Tallahassee, FL 32399-0850


Attorney