



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 10, 2010

TO: Ann Cole, Commission Clerk, Office of Commission Clerk

FROM: Erik L. Saylor, Senior Attorney, Office of the General Counsel
Shevie B. Brown, Regulatory Analyst IV, Division of Regulatory Analysis

RE: Docket No. 100385-EU, In re: Petition for determination of need for expansion of an existing renewable energy electrical power plant in Palm Beach County by Solid Waste Authority of Palm Beach County.

EG ASC AT
DS
MM

On September 10, 2010, the petitioner filed a voluntary Notice of Withdrawal of its Petition for determination of need. (See attached Notice of Withdrawal).

Pursuant to Section 2.07(C)(2)(d) of the Administrative Procedures Manual, the Office of Commission Clerk may administratively close dockets upon the joint recommendation of the OPR division and the Office of General Counsel for dockets initiated by the petitioner in which the petitioner "... seeks to withdraw its initial pleading and staff has determined that there are no pending issues that need to be addressed by the Commission regarding the filing, no request for refund of filing fee has been made, and no agency action has been taken."

In this case, staff has determined there is no pending issues to address, there is no filing fee to be refunded nor did the petitioner request a refund, and no agency action has been taken. Therefore, there appears to be no other outstanding matters which require action by the Commission, and staff recommends that this docket should be administratively closed.

OK to close. 9/10/10 hws

COMMISSION
CLERK

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RECEIVED FPSC

DOCUMENT NUMBER DATE

07615 SEP 10 0

FPSC-COMMISSION CLERK

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September 10, 2010

By Hand Delivery

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket 100385-EU
Petition for Determination of Need for Expansion of an Existing Renewable Energy
Electrical Power Plant in Palm Beach County by Solid Waste Authority of Palm Beach
County

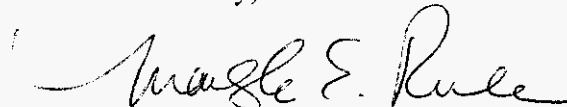
Dear Ms. Cole:

Enclosed for filing in on behalf of the Solid Waste Authority of Palm Beach County
please find an original and 15 copies of a Notice of Withdrawal of Petition for Modification To
Determination of Need By Solid Waste Authority of Palm Beach County, Florida.

Please acknowledge receipt of the enclosed documents by stamping the extra copy of this
letter "filed" and returning the copy to me.

Thank you for your assistance with this filing and please do not hesitate to contact me if
you have any questions.

Sincerely,



Marsha E. Rule

Enclosures

cc: Erik Saylor
Tom Ballinger
Bob Trapp

DOCUMENT NUMBER DATE

7588 SEP 10 2

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for) Docket No. 100385 - EU
Expansion of an Existing Renewable Energy)
Electrical Power Plant in Palm Beach County by) Filed: September 10, 2010
Solid Waste Authority of Palm Beach County)
_____)

**NOTICE OF WITHDRAWAL OF PETITION
FOR MODIFICATION TO DETERMINATION OF NEED
BY
SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, FLORIDA**

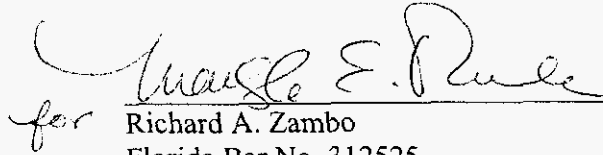
On July 13, 2010, the Solid Waste Authority of Palm Beach County (“SWA”) filed an application for modification of an existing site certification with the Florida Department of Environmental Protection (“DEP”). Subsequently, as an adjunct to the DEP filing, on August 26, 2010 the SWA filed its Petition for Modification to Determination of Need for an expansion of an existing renewable energy electrical power plant, thus initiating this proceeding.

As a result of ongoing post-filing discussions, the DEP has requested that SWA modify the expanded power plant’s emission control technology from that proposed and envisioned in its July 13 DEP filing. To accommodate the DEP request, the SWA has discarded the results of its previously published request for proposals (“RFP”) for procurement of the expanded power plant, and within the next several weeks will reissue the RFP to include the DEP-requested emission control technology. Modification of the emission control technology is expected to impact the construction and operating cost of the expanded power plant, and also has the potential to reduce the electrical output and/or extend the schedule of the expansion.

Accordingly, SWA hereby voluntarily withdraws, without prejudice, its Petition for Modification to Determination of Need filed in this proceeding on August 26, 2010. SWA expects to refile its petition to those reflect changes, if any, necessitated by the modification of the emission control technology, as soon as reasonably practicable.

DOCUMENT NUMBER DATE
07588 SEP 10 2010
FPSC-COMMISSION CLERK

Respectfully submitted on this 10th day of September, 2010.


for

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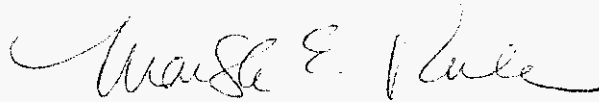
and

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CERTIFICATE OF SERVICE

I hereby certify the foregoing was been served by U. S. mail and hand delivery to the following persons on this 10th day of September, 2010:

Erik Sayler, Esq.
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2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Email: esayler@psc.state.fl.us



Attorney