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**ORIGINAL
FILE COPY**

June 11, 1997

Blanca S. Bayo
Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

Re: Docket No. 970261-EI

Dear Ms. Bayo:

This is in response to the "Memorandum reporting verbal communication with Mr. Mike Twomey on May 20, 1997" filed with your office by Commissioner Joe Garcia and received by me yesterday, June 10, 1997. While I appreciate Commissioner Garcia's caution in reporting the communication, I want to respond with several clarifying comments lest there be any misunderstandings.

First, the bulk of my discussions centered on the water and wastewater margin reserve rule, which rule is not a matter subject to the statutory ex parte provisions.

Second, my aside regarding the fuel adjustment issue was related to a topic decided and reconsidered by a fuel adjustment panel of which Commissioner Garcia was not a member. Furthermore, the subject of my aside is not an issue in the open above-styled docket regarding the Crystal River No. 3 extended outage. Specifically, as reported by Braulio L. Baez in the memorandum, my comments were to the effect that the current Florida Power Corporation fuel adjustment charge did not fully reflect the replacement fuel costs that had been incurred during the prior period and did not include at all the replacement fuel costs being incurred in the current period. As such, my comment was a statement of fact related to a concluded matter that Commissioner Garcia did not sit on and which was unrelated to the outage issues being currently considered.

Lastly, my conversation with Commissioner Garcia and Mr. Braulio took place the morning of May 20, 1997, prior to their and my departure for the customer service hearings held in connection with this docket. My retention by the Lake Dora Harbour Homeowners Association, Inc. was not discussed nor concluded until the next morning on May 21, 1997. Accordingly, at the time of my oral communication with Commissioner Garcia on May 20, 1997, I neither had a client with an interest in this docket nor was aware that I would acquire such a client.

- ACK _____
- AFA 1 _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG Baez _____
- LEG 1 _____
- LIN 5 _____
- OPC _____
- RCH 1 _____
- SEC _____
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Please file these comments in the docket file in a manner revealing that they are responsive to the ex parte notice distributed by your office.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Twomey", written over a horizontal line.

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Attorney for Lake Dora Harbour
Homeowners Association, Inc.

cc: Commissioners
Parties of Record
Wayne R. Malaney, Esquire