

STEEL
HECTOR
& DAVIS

Steel Hektor & Davis
215 South Monroe, Suite 407
Tallahassee, Florida 32301-1804
904-222-2100
904-222-8410 Fax

December 3, 1997

Charles A. Guyton
904-222-2100

By Hand Delivery

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

**Re: Petition of Duke Mulberry Energy, L.P. and IMC-Argico Company for a Declaratory Statement Concerning Eligibility to Obtain Determination of Need Pursuant to Section 403.519, Florida Statutes
Docket No. 971337-EU**

Dear Ms. Bayó

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. 971337-EU. Also enclosed is an additional copy of the notice which we request that you stamp and return to our runner.

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

AEA
AEP *Bellah*

- CAF _____
- CMd _____
- CTE _____
- DA 5 _____
- EEG _____
- ELC _____
- EMC _____
- ENG _____
- ENV _____
- FA 1 _____
- NA _____ TAF/23084-1
- OTH _____

Very truly yours,

Charles A. Guyton
Charles A. Guyton

RECEIVED & FILED
[Signature]
OFFICE OF RECORDS & REPORTS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition Duke Mulberry Energy, L.P.)
and IMC-Agrico Company for a Declaratory)
Statement Concerning Eligibility To Obtain)
Determination of Need Pursuant to)
Section 403.519, Florida Statutes)**

Docket No. 971337-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. 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

By: 
Charles A. Guyton

DOCUMENT NUMBER DATE

12329 DEC-3 97

FILED IN THE OFFICE OF THE CLERK

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

Joseph A. McGlothlin, Esquire *
Vicki Gordon Kaufman
McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A.
117 South Gadsden Street
Tallahassee, Florida 32301

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

Robert Schefel Wright, Esquire *
Landers & Parson
310 West College Avenue
Tallahassee, Florida 32301

Lee L. Willis, Esquire *
James D. Beasley, Esquire
Ausley & McMullen
227 South Calhoun Street
Tallahassee, Florida 32301

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



Charles A. Guyton