



State of Florida

Public Service Commission

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

DATE:

TO: Blanca Bayó, Director, Records and Reporting

FROM: Joy Kelly, Chief, Bureau of Reporting

RE: DOCKET NO. 971337-EU, 971446-EU

RE: Agenda Items 5+6 - IMC - Agrico

DOCUMENT NO: 1318497 TRN

The transcript for the above transcribed hearing has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

Legal
AFAD
5+6

Acknowledged by:

mas

JK/pc

PSC/RAR 28 (Rev7/94)



BLACK & VEATCH^{L.P.}

8400 Ward Parkway, P.O. Box No. 8405, Kansas City, Missouri 64114 (913) 458-2000

RECEIVED

NOV 19 1997

Florida Public Service Commission

November 19, 1997

Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Attention: Ms. Blanca S. Bayo, Director

Dear Gentlemen,

971446-50

I would like to remain on the mailing list for Docket ~~941462~~ ⁹⁷¹⁴⁴⁶⁻⁵⁰ EG Petition for declaratory statement for Duke Energy New Smyrna Beach Power Company, L.L.P. concerning eligibility to obtain determination of need pursuant to Section 403.519, F.S. Rules 25-22.080 and .081, F.A.C. and pertinent provisions of the Florida Electrical Power Plant Siting Act since I have an outstanding proposal to them.

My mailing address is:

Myron Rollins
BLACK & VEATCH
P.O. Box 8405
Kansas City, MO 64114
913 458.7432

Very truly yours,
BLACK & VEATCH

Myron R. Rollins

Susan F. Clark
Commissioner



Gerald L. Granger Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(904) 413-6040
FAX (904) 413-6395

Public Service Commission

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JAN 12 1998

FPSC - Records/Reporting

MEMORANDUM

January 9, 1998

TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING
FROM: KAY POSEY, COMMISSIONER CLARK'S OFFICE *KP*
RE: INTERCEPTED COMMUNICATIONS FROM INTERESTED PARTIES
RECEIVED IN DOCKET NO. 971446-EU

This office has received the following correspondence. The correspondence has not been viewed or considered in any way by Commissioner Clark. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as CEO 91-31-July 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of section 350.042, Florida Statutes. However, in such cases Commissioner Clark has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

Attachment



City of New Smyrna Beach

Office of the Mayor & City Commissioners

December 19, 1997

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DL

Florida Public Service Commission
ATTN.: Ms. Susan F. Clark
Commissioner
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Florida Public Service Comm.
Commissioner Clark
Florida Public Service Comm.
Commissioner Clark

Dear Commissioner Clark:

The City of New Smyrna Beach would like to request your approval and support of the proposed joint generation project by and between the Utilities Commission and Duke Energy.

This proposed project will provide the most economical and a much needed power supply source for New Smyrna Beach. The project will save at least \$3 ½ million per year for our ratepayers, produce \$750,000 per year in tax revenues, and provide much needed employment opportunities in our community. All of these benefits would be accomplished without imposing the costs of the plant on our taxpayers and ratepayers.

The project is also an environmental plus for our state as it will be a combined cycle natural gas plant, with lower CO2 emissions than a coal or oil plant, and water furnished for the production process will be reuse water from our wastewater treatment plant.

The City of New Smyrna Beach is very excited about this opportunity for our community and believe it to be a major step in our efforts to become and stay competitive in the ever changing electric industry.

Any assistance in realizing this advancement for our community would be greatly appreciated. If you have any questions or need further information, please contact us.

Sincerely,

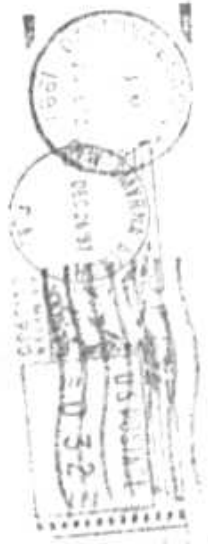
Mayor James L. Vandergriff
City of New Smyrna Beach, Florida



CITY OF NEW SMYRNA BEACH
1 Ocean Avenue • New Smyrna Beach, Florida 32909-0905



Florida Public Service Commission
Attn: Ms. Susan F. Clark, Commissioner
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



32399-0850 01



UTILITIES COMMISSION

CITY OF NEW SMYRNA BEACH, FLORIDA
ELECTRIC, WATER, POLLUTION CONTROL
Post Office Box 100 - 200 Canal St.
New Smyrna Beach, Florida 32170-0100
(904) 427-1361



December 19, 1997

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DEC 21 1997

Florida Public Service Commission
ATTN.: Ms. Susan F. Clark
Commissioner
2540 Shurrard Oak Boulevard
Tallahassee, FL 32399-0850

Florida Public Service Comm.
Commissioner Clark

Dear Commissioner Clark:

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Any assistance in realizing this advancement for our community would be greatly appreciated. If you have any questions or need further information, please contact us.

Sincerely,

Peter E. Mallory
Chairman, Utilities Commission
City of New Smyrna Beach, Florida

UTILITIES COMMISSION
CITY OF NEW SMYRNA BEACH, FLORIDA
POST OFFICE BOX 100
NEW SMYRNA BEACH, FLORIDA 32076-0100

Florida Public Service Commission
ATTN: Ms. Susan F. Clark
Commissioner
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

32399-0850 01



State of Florida



Public Service Commission

RECEIVED
JAN 09 1998

FPSC - Records/Reporting
-M-E-M-O-R-A-N-D-U-M-

DATE: January 9, 1998

TO: Blanca Bayo, Division of Records and Reporting

FROM: Bill Berg, Assistant to Commissioner Deason *wbs*

RE: Communications Received in Docket No: 971337-EU and 971446-EU

This office has received the attached correspondence from Mr. James A. Scott, Chairman, Committee on Regulated Industries. Because it is not deemed to be an *ex parte* communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However; in such cases Commissioner Deason has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

WBB/mm



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

418 Senate Office Building
Tallahassee, Florida 32399-1100
(904) 487-5857

James A. Scott, Chairman
Alberto "AJ" Gutman, Vice Chairman
John Guthrie, Staff Director

*Currently
Intercepted*
RECEIVED
DEC 12 1997
Florida Public Service Comm.
Commissioner Deason

December 12, 1997

The Honorable J. Terry Deason
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Commissioner Deason:

My staff has advised me that the Public Service Commission's agenda conference scheduled for December 16, 1997, includes consideration of two petitions for declaratory statements concerning the eligibility of electric companies to seek determinations of need to build large power plants in Florida, even though they would not be regulated by the Public Service Commission pursuant to Chapter 366, F.S.

The complex issues raised by these petitions extend far beyond the interests of the parties involved. In addition to regulatory issues, they raise important statewide policy questions that may affect consumers of electric power throughout the state.

When the Florida Electrical Power Plant Siting Act was enacted during the 1970s, no one contemplated the possibility that it might someday apply to electric companies that do not directly serve retail customers in Florida. Yet that is the interpretation recommended by PSC staff. Without judging the merits of the specific petitions before the Commission, I believe that a policy decision of this magnitude should not be made without a full and complete hearing by the Legislature.

Sincerely,

James A. Scott, Chairman
Regulated Industries Committee

TONI JENNINGS
President

ROBERTO CASAS
President Pro Tempore



THE FLORIDA SENATE

COMMITTEE ON REGULATED INDUSTRIES

418 Senate Office Building
Tallahassee, Florida 32399-1100
(904) 487-5857

James A. Scott, Chairman
Alberto "AF" Gutman, Vice Chairman
John Guthrie, Staff Director

December 12, 1997

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket Nos. 971337-EU and 971446-EU

Dear Ms. Bayó:

Please include the enclosed in the record of the above-referenced dockets. The letter was addressed individually to each Public Service Commissioner.

Sincerely,

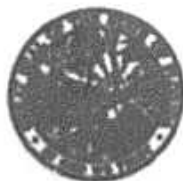
A handwritten signature in cursive script that reads "James A. Scott".

James A. Scott, Chairman
Regulated Industries Committee

enclosure

cc: Public Service Commissioners
Mr. Rob Vandiver, General Counsel
Parties of Record

State of Florida



RECEIVED
Public Service Commission 1998

FPSC - Records/Reporting

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

DATE: January 9, 1998

TO: Blanca Bayo, Division of Records and Reporting

FROM: Bill Berg, Assistant to Commissioner Deason WBS

RE: Communications Received in Docket No: 971446-EU

This office has received the attached correspondence from Mr. Peter E. Mallory, Chairman, Utilities Committee. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However; in such cases Commissioner Deason has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

WBB/mm

UTILITIES COMMISSION

CITY OF NEW SMYRNA BEACH, FLORIDA
ELECTRIC, WATER, POLLUTION CONTROL
Post Office Box 100 • 200 Canal St.
New Smyrna Beach, Florida 32170-0100
(904) 427-1361

*Community
Intercepted*



December 19, 1997

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DEC 26 1997

Florida Public Service Comm.
Commissioner Deason

Florida Public Service Commission
ATTN.: Mr. J. Terry Deason
Commissioner
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Commissioner Deason:

The Utilities Commission, City of New Smyrna Beach, would like to request your approval and support of the proposed joint generation project by and between the Utilities Commission and Duke Energy.

This proposed project will provide the most economical and a much needed power supply source for New Smyrna Beach. The project will save at least \$3 ½ million per year for our ratepayers, produce \$750,000 per year in tax revenues, and provide much needed employment opportunities in our community. All of these benefits would be accomplished without imposing the costs of the plant on our taxpayers and ratepayers.

The project is also an environmental plus for our state as it will be a combined cycle natural gas plant, with lower CO2 emissions than a coal or oil plant, and water furnished for the production process will be reuse water from our wastewater treatment plant.

The Utilities Commission is very excited about this opportunity for our community and believe it to be a major step in our efforts to become and stay competitive in the ever changing electric industry.

Any assistance in realizing this advancement for our community would be greatly appreciated. If you have any questions or need further information, please contact us.

Sincerely,

Peter E. Mallory
Chairman, Utilities Commission
City of New Smyrna Beach, Florida



RECEIVED

DEC 16 1997

FPSC - Records/Reporting

December 15, 1997

Division of Records and Reporting
Florida Public Service Commission
Tallahassee, FL

By facsimile transmission to: 487-1716

Dear Sir/Ms:

Please place LEAF on the mailing list for Docket Nos. 971446 and 971542. Thanks for your help.

Sincerely,

Debra Swin

Debra Swin
Senior Attorney
Energy Advocacy Project

A Public Interest Law Firm

116 NORTH GADSDEN STREET • TALLAHASSEE, FLORIDA • 32303-4299 • 904-704-0001 • FAX 904-704-1071

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LANDERS & PARSONS, P.A.
ATTORNEYS AT LAW

CINDY L. MARTIN
DAVID S. DEE
JOSEPH W. LANDERS, JR.
JOHN T. LAVIA, III
FRED A. MCCORMACK
PHILIP S. PARSONS
ROBERT SCHEFFEL WRIGHT

HOWELL L. FERGUSON
OF COUNSEL

VICTORIA J. TSCHINAEL
SENIOR CONSULTANT
NOT A MEMBER OF THE FLORIDA BAR

310 WEST COLLEGE AVENUE
POST OFFICE BOX 271
TALLAHASSEE, FLORIDA 32302
TELEPHONE (850) 681-0311
TELECOPY (850) 224-5595

RECEIVED

DEC 16 1997

FPSC - Records/Reporting

December 16, 1997

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: FPSC Docket No. 971446-EU; 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

Dear Ms. Bayo:

Enclosed for filing in the correspondence section of the
above referenced docket, are copies of letters to the
Commissioners from Representative Suzanne M. Kosmas.

Thank you very much for your assistance. If you have any
questions, please give me a call.

Cordially yours,


Robert Scheffel Wright



FLORIDA HOUSE OF REPRESENTATIVES

Suzanne M. Kosmas
Representative, District 28

Committee Assignments: Community Affairs, Corrections, Education K-12

1055 N. Dixie Freeway, #5
New Smyrna Beach, FL 32168
904-427-4466

232 House Office Building
Tallahassee, FL 32399-1300
850-488-6653

December 15, 1997

Ms. Julia L. Johnson
Chairwoman
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Chairwoman Johnson:

The Legislative District I represent includes New Smyrna Beach and other parts of Volusia County. Mr. Ron Vaden, Director of the Utilities Commission of New Smyrna Beach, has advised me that your staff recommended that you grant a declaratory statement requested by Duke New Smyrna Beach Power Company, which has negotiated a power purchase agreement with our Utilities Commission. As explained to me, the requested declaratory statement would confirm Duke's eligibility to use the Commission's need determination process, which is a necessary part of permitting new power plants under the Power Plant Siting Act. I write to urge you to grant the requested statement.

The project proposed by Duke would provide a needed power supply source and low-cost wholesale electricity to the customers of our Utilities Commission, without imposing the costs of the plant on those customers. As I understand it, the balance of the plant's capacity would be sold in the wholesale market to other utilities, who would be under no obligation to buy it. Under these circumstances where a potential supplier is willing to take the risks associated with building a new power plant, and where the developer would then sell the plant's output to other utilities for resale to their customers, I cannot see any reason to foreclose such a developer from

the application and permitting processes that your Commission is statutorily authorized to administer. If you determine that there is a reasonable need for the plant by the State, or if you should determine that it is not, I am sure that you will rule accordingly on the merits of the application.

Accordingly, please grant the requested declaratory statement and allow this project to go forward under the appropriate processes. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne M. Kosmas". The signature is written in dark ink and is positioned above the printed name.

Suzanne M. Kosmas
Representative, District 28



FLORIDA HOUSE OF REPRESENTATIVES

Suzanne M. Kosmas
Representative, District 28

Committee Assignments: Community Affairs, Corrections, Education K-12

1055 N. Dixie Freeway, #5
New Smyrna Beach, FL 32168
904-427-4466

232 House Office Building
Tallahassee, FL 32399-1300
850-488-6653

December 15, 1997

Ms. Susan F. Clark
Commissioner
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Commissioner Clark:

The Legislative District I represent includes New Smyrna Beach and other parts of Volusia County. Mr. Ron Vaden, Director of the Utilities Commission of New Smyrna Beach, has advised me that your staff recommended that you grant a declaratory statement requested by Duke New Smyrna Beach Power Company, which has negotiated a power supply agreement with our Utilities Commission. As explained to me, the requested declaratory statement would confirm Duke's eligibility to use the Commission's need determination process, which is a necessary part of permitting new power plants under the Power Plant Siting Act. I write to urge you to grant the requested statement.

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Accordingly, please grant the requested declaratory statement and allow this project to go forward under the appropriate processes. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne M. Kosmas". The signature is written in dark ink and is positioned above the printed name.

Suzanne M. Kosmas
Representative, District 28



FLORIDA HOUSE OF REPRESENTATIVES

Suzanne M. Kosmas
Representative, District 28

Committee Assignments: Community Affairs, Corrections, Education K-12

1055 N. Dixie Freeway, #5
New Smyrna Beach, FL 32168
904-427-4466

232 House Office Building
Tallahassee, FL 32399-1300
850-488-6653

December 15, 1997

Mr. Joe Garcia
Commissioner
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Commissioner Garcia:

The Legislative District I represent includes New Smyrna Beach and other parts of Volusia County. Mr. Ron Vaden, Director of the Utilities Commission of New Smyrna Beach, has advised me that your staff recommended that you grant a declaratory statement requested by Duke New Smyrna Beach Power Company, which has negotiated a power supply agreement with our Utilities Commission. As explained to me, the requested declaratory statement would confirm Duke's eligibility to use the Commission's need determination process, which is a necessary part of permitting new power plants under the Power Plant Siting Act. I write to urge you to grant the requested statement.

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Accordingly, please grant the requested declaratory statement and allow this project to go forward under the appropriate processes. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne M. Kosmas". The signature is written in dark ink and is positioned above the printed name and title.

Suzanne M. Kosmas
Representative, District 28



FLORIDA HOUSE OF REPRESENTATIVES

Suzanne M. Kosmas
Representative, District 28

Committee Assignments: Community Affairs, Corrections, Education K-12

1055 N. Dixie Freeway, #5
New Smyrna Beach, FL 32168
904-427-4466

232 House Office Building
Tallahassee, FL 32399-1300
850-488-6653

December 15, 1997

Ms. Diane K. Kiesling
Commissioner
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Commissioner Kiesling:

The Legislative District I represent includes New Smyrna Beach and other parts of Volusia County. Mr. Ron Vaden, Director of the Utilities Commission of New Smyrna Beach, has advised me that your staff recommended that you grant a declaratory statement requested by Duke New Smyrna Beach Power Company, which has negotiated a power supply agreement with our Utilities Commission. As explained to me, the requested declaratory statement would confirm Duke's eligibility to use the Commission's need determination process, which is a necessary part of permitting new power plants under the Power Plant Siting Act. I write to urge you to grant the requested statement.

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Sincerely,

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Suzanne M. Kosmas
Representative, District 28



FLORIDA HOUSE OF REPRESENTATIVES

Suzanne M. Kosmas
Representative, District 28

Committee Assignments: Community Affairs, Corrections, Education K-12

1055 N. Dixie Freeway, #5
New Smyrna Beach, FL 32168
904-427-4466

232 House Office Building
Tallahassee, FL 32399-1300
850-488-6653

December 15, 1997

Mr. J. Terry Deason
Commissioner
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Commissioner Deason:

The Legislative District I represent includes New Smyrna Beach and other parts of Volusia County. Mr. Ron Vaden, Director of the Utilities Commission of New Smyrna Beach, has advised me that your staff recommended that you grant a declaratory statement requested by Duke New Smyrna Beach Power Company, which has negotiated a power supply agreement with our Utilities Commission. As explained to me, the requested declaratory statement would confirm Duke's eligibility to use the Commission's need determination process, which is a necessary part of permitting new power plants under the Power Plant Siting Act. I write to urge you to grant the requested statement.

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Sincerely,

A handwritten signature in cursive script that reads "Suzanne M. Kosmas". The signature is written in dark ink and is positioned above the printed name.

Suzanne M. Kosmas
Representative, District 28

BEGGS & LANE

ATTORNEYS AND COUNSELLORS AT LAW
 POST OFFICE BOX 12850
 PENSACOLA, FLORIDA 32578-2850

RUSSELL A. BAGGERS

SEVENTH FLOOR BUDWYK BUILDING
 3 WEST GARDEN STREET
 PENSACOLA, FLORIDA 32501
 TELEPHONE (904) 432-2451
 TELECOMEX (904) 489-3330

E. DALE BEGG
Retired
 BERT H. LANE
 1917-1991

December 10, 1996

Ms. Blanca Bayo
 Division of Records and Reporting
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399

RE: Docket Nos. 971497-EG, 971446-EU,
 971313-EU and 971337-EU

Dear Ms. Bayo:

Please include Gulf Power Company as an interested party in the following dockets:

971313-EU Petition by IMC-Agrico Company for declaratory statement confirming non-jurisdictional nature of planned self-generation.

971337-EU Petition of 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, F.S.

971446-EU Petition for declaratory statement by Duke Energy New Smyrna Beach Power Company, L.L.P. concerning eligibility to obtain determination of need pursuant to Section 403.519, F.S., Rules 25-22.080 and .081, F.A.C., and pertinent provisions of the Florida Electrical Power Plant Siting Act.

971497-EG Petition for declaratory statement by Holiday Villas II Condominium Association, Inc., pursuant to Section 120.565, F.S., as to application of Rule 25-6.049(5)(a)(3), F.A.C.

RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN
PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
J. STEPHEN MENTON
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
R. MICHAEL UNDERWOOD
WILLIAM B. WILLINGHAM

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

OF COUNSEL
CHARLES F. DUDLEY

GOVERNMENTAL CONSULTANTS
PATRICK R. MALOY
AMY J. YOUNG

November 25, 1997

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NOV 26 1997

Public Records Section

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

RE: Florida PSC Docket No. 971446-EI; 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

Dear Ms. Bayo:

The undersigned represents the City of Tallahassee ("Tallahassee"). Tallahassee is interested in the above-referenced docket. Please provide copies of all notices, CASRs, orders, staff recommendations, pleadings and other documents filed, served or issued in the above-referenced dockets to the following:

Kenneth A. Hoffman, Esq.
William B. Willingham, Esq.
Rutledge, Ecenia, Underwood,
Purnell & Hoffman, P.A.
P. O. Box 551
Tallahassee, FL 32302-0551
(850) 681-6788 (phone)
(850) 681-6515 (fax)

Thank you for your assistance in this matter.

Sincerely,


Kenneth A. Hoffman

KAH/rl



RECEIVED

NOV 18 '99

FSC Records Reporting
November 17, 1997

Blanca Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket Nos. 971313; 971337; 971446 (IMC/Agrico;
Duke Energy/IMC; Duke Energy/New Smyrna)

Dear Ms. Bayó:

LEAF requests that it be added to the list of interested parties and receive mailings related to the above-referenced dockets. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Gail Kamaras".

Gail Kamaras, Director
Energy Advocacy Program



FECA

Florida Electric Cooperatives Association, Inc.

2916 Apalachee Parkway
P.O. Box 590
Tallahassee, Florida 32302
(904) 877-6166
FAX: (904) 656-5485

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FPSC - Records Reporting

November 14, 1997

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

Dear Ms. Bayo:

Please accept this letter as our official request to be put on the mailing list for the following docket(s):

Docket No. 971446-EU

Thank you for your assistance in this matter.

Sincerely,

Michelle Hershel
Director of Regulatory
Services

MH/hd

KATZ, KUTTER, HAIGLER, ALDERMAN, BRYAN & YON

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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GOVERNMENT CENTER
SUITE 1405
200 SOUTH ORANGE AVENUE
ORLANDO, FLORIDA 32801
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REPLY TO: TALLAHASSEE

ELIZABETH W. MARTINUS
TRAVIS L. MILLER
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BART R. TILGH
J. LARRY WILLIAMS
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PATRICK F. MARGONY

GOVERNMENT CONSULTANTS
LESLIE T. DUDON
PAT GRIFFITH O'CONNELL
E. CLINT SHAWLEY
SERVALD C. WESTER
NOT A MEMBER OF FLORIDA BAR

EXECUTIVE DIRECTOR
J. ANDREW KELLER, III, C.F.A.

November 14, 1997

VIA FACSIMILE

Ms. Blanca Bayo
Director of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Dear Ms. Bayo:

Please add the following persons as interested persons in Docket 971313, Docket 971337, and Docket 971446.

Richard Blandford, Director
Enron Capital & Trade Resources Corporation
1400 Smith Street
Houston, Texas 77002-7361
Phone: (713) 853-5814
Fax: (713) 646-3483

Bill Bryant
Jose Diez-Arguelles
Katz, Kutter, Haigler, Alderman, Bryant & Yon
106 E. College Avenue, 12th Floor
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FPSC - Records/Reporting

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF RECORDS & REPORTING
BRADLEY B. BAYL
DIRECTOR
(850) 413-6770

Public Service Commission

November 5, 1997

Robert Scheffel Wright, Esquire
Landers & Parsons, P.A.
Post Office Box 271
Tallahassee, Florida 32302

Re: Docket No. 971446-EI

Dear Mr. Wright:

This will acknowledge receipt of a petition for declaratory statement by Duke Energy New Smyrna Beach Power Company, L.L.P. concerning eligibility to obtain determination of need pursuant to Section 403.519, F.S., Rules 25-22.080 and .081, F.A.C., and pertinent provisions of the Florida Electrical Power Plant Siting Act, which was filed in this office on November 4, 1997 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Division of Records and Reporting
Florida Public Service Commission