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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECORDS AND
REPORTING

In Re: Joint Petition for Determination)
of Need for an Electrical Power Plant in) DOCKET NO. 981042-EU
Volusia County by the Utilities)
Commission, City of New Smyrna Beach,) FILED: AUGUST 21, 1998
Florida, and Duke Energy New Smyrna)
Beach Power Company Ltd., L.L.P.)

NOTICE OF WAIVER OF PROCEDURAL REQUIREMENTS

The Utilities Commission, City of New Smyrna Beach, Florida ("UCNSB") and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. ("Duke New Smyrna") hereby respectfully submit to the Florida Public Service Commission ("FPSC" or "Commission") this notice of waiver of certain procedural time requirements set forth in Commission Rule 25-22.080, Florida Administrative Code ("F.A.C."). Specifically, the UCNSB and Duke New Smyrna waive the subject Rule's provisions regarding the time, following the filing of a need determination petition, within which the Commission is to hold hearings and vote on such petitions.

Commission Rule 25-22.080(2), F.A.C., provides that the Commission shall hold a hearing on a need determination petition

ACK _____ within 90 days, and that the vote be taken at an agenda within 135
AFA _____ days, following the filing of a petition for determination of need
APP _____
CAF _____ for an electrical power plant. In light of the Commission's full
CMU _____ calendar for the remainder of 1998, the UCNSB and Duke New Smyrna
CTR _____ are in agreement that (1) the hearing in this proceeding be held on
EAG _____
LEG _____ December 2, 3, and 4, 1998: and (2) that the vote be scheduled for
LIN _____ the Commission's agenda conference on February 2, 1999,
OPC _____
RCH _____
SEC _____
WAS _____
OTH _____

RECEIVED & FILED

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[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

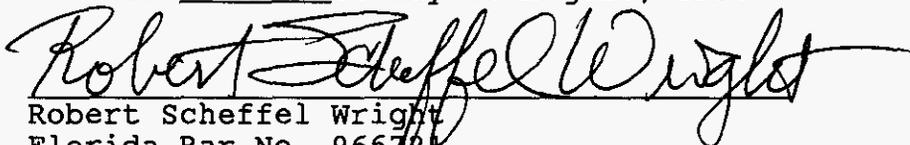
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FPSC-RECORDS/REPORTING

notwithstanding the fact that these dates reflect more than the rule-prescribed number of days following the filing of the UCNSB's and Duke New Smyrna's joint petition for determination of need for the New Smyrna Beach Power Project.

Accordingly, the Utilities Commission, City of New Smyrna Beach, Florida, and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. waive the procedural time requirements of Commission Rule 25-22.080, F.A.C., as discussed above.

Respectfully submitted this 21 st day of August, 1998.



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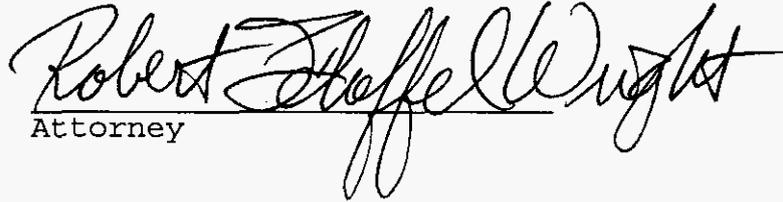
Attorneys for the Utilities Commission,
City of New Smyrna Beach, Florida,

and

Duke Energy New Smyrna Beach Power
Company Ltd., L.L.P.

CERTIFICATE OF SERVICE
DOCKET NO. 981042-EU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery to Leslie J. Paugh, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Gunter Building, Tallahassee, Florida 32399 on this 21st day of August, 1998.


Attorney

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