

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
NOTICE OF NEED DETERMINATION HEARING AND PREHEARING CONFERENCE
ON PROPOSED ELECTRICAL POWER PLANT

TO

UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA
DUKE ENERGY NEW SMYRNA BEACH POWER COMPANY, LTD., L.L.P.

AND

ALL OTHER INTERESTED PERSONS

DOCKET NO. 981042-EM

IN RE: JOINT PETITION FOR DETERMINATION OF NEED FOR AN
ELECTRICAL POWER PLANT IN VOLUSIA COUNTY BY THE UTILITIES
COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AND DUKE
ENERGY NEW SMYRNA BEACH POWER COMPANY LTD., L.L.P.

ISSUED: August 31, 1998

NOTICE is hereby given that the Florida Public Service Commission will hold a public hearing in the above docket at the time and place listed below. All persons who wish to be heard are urged to be present at the beginning of the hearing on December 2, 1998.

9:30 a.m., Wednesday, December 2, 1998 *
Commission Hearing Room 148
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

* Thursday, December 3, 1998, and Friday, December 4, 1998, have been reserved for continuation of the hearing, if necessary. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

DOCUMENT NUMBER-DATE

09506 AUG 31 88 000148

FILE RECORDS/REPORTING

Any person requiring some accommodation at the hearing or the prehearing conference because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least 48 hours prior to the hearing or prehearing conference. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

PURPOSE AND PROCEDURE

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.501-519, Florida Statutes, for the construction of a power plant and related facilities in Volusia County, Florida. This proceeding shall allow the Utilities Commission, City of New Smyrna Beach, Florida, and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P., to present evidence and testimony in support of their petition for a determination of need for their proposed plant and related facilities in Volusia County, Florida; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes, Section 403.519, Florida Statutes, Chapter 25-22, Florida Administrative Code, and Chapter 28-106, Florida Administrative Code.

Under Section 403.519, Florida Statutes, the Commission is the sole forum for the determination of need for the electrical power plant and associated facilities. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. The Commission must also expressly consider the conservation measures taken by or reasonably available to the petitioners which might mitigate the need for the proposed plant, and other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the Volusia County facility shall create a presumption of public need and necessity and shall serve as the Commission's report as required by Section 403.507(2)(a)(2), Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the power plant and its associated facilities will be heard at the December 2 - 4, 1998, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present testimony regarding the need for the proposed plant and associated facilities. All members of the public who wish to offer testimony should be present at the beginning of the hearing. All witnesses will be sworn and will be subject to cross-examination at the conclusion of their testimony.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Blanca S Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870
Re: Docket No. 981042-EM

Anyone wishing to become a party to the need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code with the Director of the Commission's Division of Records and Reporting at the address listed above. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

GENERAL LOCATION AND PROJECT DESCRIPTION

The proposed electric power plant is estimated to produce 514 MW of electricity and is to be located at the northwest corner of the intersection of State Road 44 and Interstate Highway 95 in

Volusia County, Florida. The proposed unit consists of a combustion turbine generator, two heat recovery steam generators, a steam turbine generator, and associated facilities. The in-service date for the proposed unit is estimated to be November 1, 2001.

PREHEARING CONFERENCE

A prehearing conference will be held at the following time and place:

9:30 a.m., Thursday, November 5, 1998
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The purpose of this prehearing conference will be to consider: (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

JURISDICTION

Jurisdiction over this determination of need is vested in the Commission by Chapter 366 and Section 403.519, Florida Statutes. This proceeding will be governed by the provisions of Chapter 120, Florida Statutes, as well as Chapter 25-22 and Chapter 28-106, Florida Administrative Code.

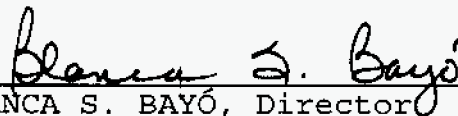
APPLICATION

A copy of the Petition to Determine Need and supporting exhibits are available for public inspection during normal business hours at the following location:

Florida Public Service Commission
Division of Records and Reporting
Room 104, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

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By DIRECTION of the Florida Public Service Commission this
31st day of August, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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