

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for Determination) Docket No. 981042-EU
of Need for an Electrical Power Plant)
in Volusia County by the Utilities)
Commission, City of New Smyrna Beach,) Filed: September 15, 1998
Florida, and Duke Energy New Smyrna)
Beach Power Company, Ltd., L.L.P.)
_____)

LEGAL ENVIRONMENTAL ASSISTANCE FOUNDATION INC.
PETITION FOR INTERVENTION

Legal Environmental Assistance Foundation, Inc. (LEAF),
pursuant to Rule 25-22.038, Florida Administrative Code (FAC),
petitions to intervene in the above-captioned docket and states:

1. LEAF is located at 1114 Thomasville Road, Suite E,
Tallahassee, Florida 32303.

2. Persons to be served with copies of documents in this
docket are:

Gail Kamaras/Debra Swim
Legal Environmental Assistance Fdn.
1114 Thomasville Road, Suite E
Tallahassee, FL 32303

ACK _____
AFA 2 3. LEAF's substantial interests are subject to determination
APP _____ and will be affected through this proceeding. LEAF has a
CAF _____
CMU _____ substantial interest in the Commission's determination of need and
CTR _____ in securing the environmental and health benefits of increased
EAG _____
LEG 1 efficiency in the delivery of energy services and increased use of
LIN 5
OPC _____ cleaner energy resources to meet energy service needs.
RCH _____
WAS _____
OTH _____

DOCUMENT NUMBER-DATE
10120 SEP 16 0382
FPSC-RECORDS/REPORTING

4. LEAF is a public interest advocacy organization whose corporate purposes include protection of public health and the environment. The Commission action in this docket will substantially influence how electric power is provided to Floridians and what energy resources are relied on, thereby influencing the environmental and health impacts of meeting Florida's energy service needs.

5. A substantial number of LEAF members have an interest in the environmental benefits that are claimed in the petition in this docket, including the potential for renewable energy.

6. At issue is whether the environmental benefits claimed in the petition can be verified and ensured. LEAF reserves the right to raise or dispute additional issues.

7. The following statutes and rules entitle LEAF to relief: Rules 28-106 and 25-22 FAC; Chapters 120,366 and 403, Florida Statutes. LEAF reserves the right to rely on additional legal authority.

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WHEREFORE, LEAF respectfully requests to be allowed to
intervene as a party to this proceeding.

Respectfully submitted,

Gail Kamaras

Gail Kamaras
Legal Environmental Assistance
Foundation, Inc. (LEAF)
1115 N. Gadsden Street
Tallahassee, FL 32303

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CERTIFICATE OF SERVICE
Docket No. 981042

I hereby certify that a true and correct copy of the Legal Environmental Assistance Foundation, Inc. (LEAF) Petition to Intervene has been served by hand delivery (*) or by US Mail on September 15, 1998 to the following:

Leslie J. Paugh, Esq.
Florida Public Service Commission
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Robert Scheffel Wright, Esq.
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Kelly J. O'Brien, Manager
Structured Transactions
Duke Energy Power Services LLC
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Houston, TX 77056

By: *Gail Kamaras*
Gail Kamaras

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