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October 26, 1998

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
4750 Esplanade Way, Room 110
Tallahassee, Florida 32399

RE: Docket No. 981042-EM

Dear Ms. Bayo:

Enclosed for filing please find the original and fifteen (15) copies of the following documents:

- (1) Duke Energy New Smyrna Beach Power Company, Ltd., L.L.P.'s Objections to LEAF's Request for Production of Documents; 11953-98
- (2) Duke Energy New Smyrna Beach Power Company, Ltd., L.L.P.'s Objections to LEAF's Interrogatories (Nos 1-7); 11954-98
- (3) Duke Energy New Smyrna Beach Power Company, Ltd., L.L.P.'s Objections to Florida Power & Light Company's Second Set of Interrogatories (Nos. 38-111); 11955-98
- (4) Duke Energy New Smyrna Beach Power Company, Ltd., L.L.P.'s Objections to Florida Power & Light Company's Second Request for Production of Documents (14-38); 11957-98
- (5) Utilities Commission, City of New Smyrna Beach's Objections to Florida Power & Light Company's Second Set of Interrogatories (Nos. 16-43); and 11956-98
- (6) Utilities Commission, City of New Smyrna Beach's Objections to Florida Power & Light Company's Second Request for Production of Documents (14-28). 11958-98

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Cordially yours

John T. LaVia, III
John T. LaVia, III

cc: Parties of Record (w/enclosures)

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PPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition for)	
Determination of Need for an)	DOCKET NO. 981042-EM
Electrical Power Plant in Volusia)	
County by the Utilities Commission,)	FILED: OCTOBER 26, 1998
City of New Smyrna Beach, Florida,)	
and Duke Energy New Smyrna Beach)	
Power Company Ltd., L.L.P.)	
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DUKE ENERGY NEW SMYRNA BEACH POWER COMPANY LTD., L.L.P.'S
OBJECTIONS TO LEAF'S REQUEST FOR PRODUCTION OF DOCUMENTS

Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. ("Duke New Smyrna") pursuant to the Order Establishing Procedures issued in this docket on September 4, 1998, hereby respectfully submits its objections to LEAF's Request for Production of Documents which was served on Duke New Smyrna by U.S. Mail on October 13, 1998.

GENERAL OBJECTIONS

Duke New Smyrna objects to LEAF's Request for Production of Documents on the grounds set forth in paragraphs A - B below. Each of Duke New Smyrna's responses will be subject to and qualified by these general objections.

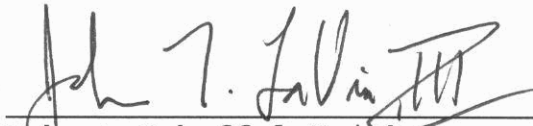
A. Duke New Smyrna objects to the production of documents in LEAF's office, 1114 Thomasville Road, Suite E, Tallahassee, Florida 32303. Pursuant to Rule 1.350, Florida Rules of Civil Procedure, ("F.R.C.P.") which is made specifically applicable to this proceeding by Uniform rule 28-106.206, Florida Administrative Code ("F.A.C."), the requested documents that are not subject to another objection will be produced where those

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documents are kept in the usual course of business or at a place that is mutually acceptable to the parties.

B. Duke New Smyrna objects to the production of any documents that constitute attorney work product or are subject to the attorney-client privilege.

Respectfully submitted this 26th day of October, 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-EM

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 26th day of October, 1998:

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