



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

Location
320 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5957

Tom Lee, Chairman
Jack Latvala, Vice Chairman
John Guthrie, Staff Director

RECEIVED-FPSC

98 DEC -2 AM 8:05

RECORDS AND
REPORTING

December 1, 1998

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

Re: Docket No. 981042-EU

Dear Ms. Bayó:

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

Sincerely,

Tom Lee, Chairman
Regulated Industries Committee

- ~~ACK~~ _____ enclosure
- ~~AFA~~ _____ cc: Public Service Commissioners
- ~~APP~~ _____ Mr. Rob Vandiver, General Counsel
- ~~CAF~~ _____ Parties of Record
- ~~CMU~~ _____
- ~~CTR~~ _____
- ~~EAG~~ _____
- ~~LEG~~ _____
- ~~LIN~~ _____
- ~~OPC~~ _____
- ~~RCH~~ _____
- ~~SEC~~ 1
- ~~WAS~~ _____
- ~~OTH~~ _____

TONI JENNINGS
President

WILLIAM G. "DOC" MYERS
President Pro Tempore

DOCUMENT NUMBER-DATE

13558 DEC -2 98
001457

FPSC-RECORDS/REPORTING



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

Location
320 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5957

Tom Lee, *Chairman*
Jack Latvala, *Vice Chairman*
John Guthrie, *Staff Director*

December 1, 1998

The Honorable Julia Johnson, Chairman
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Chairman Johnson:

On December 16, 1997, the Public Service Commission denied two petitions for declaratory statements. The petitions concerned eligibility, under the Power Plant Siting Act, of applicants who are not regulated by the PSC and who have no immediate plans to sell electric power in the retail market. The Commission determined that the petitions raised significant statewide policy issues governing the supply of electricity for the citizens of Florida.

Now pending before the Commission is a joint petition by the City of New Smyrna Beach Utilities Commission and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (Duke Energy) for a determination of need for a 500 megawatt combined cycle electrical power plant in Volusia County (Docket No. 981042-EU). The City of New Smyrna Beach proposes to use less than 10 percent of the capacity. The rest will be sold by Duke Energy on the wholesale market. The question today is the same as it was before: whether a company that is not regulated by the Public Service Commission pursuant to Chapter 366, F.S., should be eligible to seek a determination of need.

When the Florida Electrical Power Plant Siting Act was enacted during the 1970's, no one foresaw that someday it would apply to merchant plants that do not directly serve retail customers in Florida. A fundamental change in state policy, such as is proposed by this petition, is bound to affect consumers and natural resources statewide.

I share the Commission's interest in ensuring reliable and affordable electric power for all. If the Commission believes that broadening the definition of utilities who may apply under the Power Plant Siting Act is necessary or desirable, I would welcome your recommendations for amending the law.

Sincerely,

A handwritten signature in black ink, appearing to be "Tom Lee", written over a horizontal line.

Tom Lee, Chairman
Regulated Industries Committee

001458



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

Location
320 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5957

Tom Lee, *Chairman*
Jack Latvala, *Vice Chairman*
John Guthrie, *Staff Director*

December 1, 1998

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

Dear Commissioner Deason:

On December 16, 1997, the Public Service Commission denied two petitions for declaratory statements. The petitions concerned eligibility, under the Power Plant Siting Act, of applicants who are not regulated by the PSC and who have no immediate plans to sell electric power in the retail market. The Commission determined that the petitions raised significant statewide policy issues governing the supply of electricity for the citizens of Florida.

Now pending before the Commission is a joint petition by the City of New Smyrna Beach Utilities Commission and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (Duke Energy) for a determination of need for a 500 megawatt combined cycle electrical power plant in Volusia County (Docket No. 981042-EU). The City of New Smyrna Beach proposes to use less than 10 percent of the capacity. The rest will be sold by Duke Energy on the wholesale market. The question today is the same as it was before: whether a company that is not regulated by the Public Service Commission pursuant to Chapter 366, F.S., should be eligible to seek a determination of need.

When the Florida Electrical Power Plant Siting Act was enacted during the 1970's, no one foresaw that someday it would apply to merchant plants that do not directly serve retail customers in Florida. A fundamental change in state policy, such as is proposed by this petition, is bound to affect consumers and natural resources statewide.

I share the Commission's interest in ensuring reliable and affordable electric power for all. If the Commission believes that broadening the definition of utilities who may apply under the Power Plant Siting Act is necessary or desirable, I would welcome your recommendations for amending the law.

Sincerely,

A handwritten signature in black ink, appearing to be "Tom Lee".

Tom Lee, Chairman
Regulated Industries Committee

TONI JENNINGS
President

WILLIAM G. "DOC" MYERS
President Pro Tempore

001459



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

Location
320 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5957

Tom Lee, *Chairman*
Jack Latvala, *Vice Chairman*
John Guthrie, *Staff Director*

December 1, 1998

The Honorable Susan F. Clark
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Commisisoner Clark:

On December 16, 1997, the Public Service Commission denied two petitions for declaratory statements. The petitions concerned eligibility, under the Power Plant Siting Act, of applicants who are not regulated by the PSC and who have no immediate plans to sell electric power in the retail market. The Commission determined that the petitions raised significant statewide policy issues governing the supply of electricity for the citizens of Florida.

Now pending before the Commission is a joint petition by the City of New Smyrna Beach Utilities Commission and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (Duke Energy) for a determination of need for a 500 megawatt combined cycle electrical power plant in Volusia County (Docket No. 981042-EU). The City of New Smyrna Beach proposes to use less than 10 percent of the capacity. The rest will be sold by Duke Energy on the wholesale market. The question today is the same as it was before: whether a company that is not regulated by the Public Service Commission pursuant to Chapter 366, F.S., should be eligible to seek a determination of need.

When the Florida Electrical Power Plant Siting Act was enacted during the 1970's, no one foresaw that someday it would apply to merchant plants that do not directly serve retail customers in Florida. A fundamental change in state policy, such as is proposed by this petition, is bound to affect consumers and natural resources statewide.

I share the Commission's interest in ensuring reliable and affordable electric power for all. If the Commission believes that broadening the definition of utilities who may apply under the Power Plant Siting Act is necessary or desirable, I would welcome your recommendations for amending the law.

Sincerely,

A handwritten signature in black ink, appearing to be "Tom Lee", written over a horizontal line.

Tom Lee, Chairman
Regulated Industries Committee

TONI JENNINGS
President

WILLIAM G. "DOC" MYERS
President Pro Tempore

001460



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

Location
320 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5957

Tom Lee, *Chairman*
Jack Latvala, *Vice Chairman*
John Guthrie, *Staff Director*

December 1, 1998

The Honorable Joe Garcia
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Commissioner Garcia:

On December 16, 1997, the Public Service Commission denied two petitions for declaratory statements. The petitions concerned eligibility, under the Power Plant Siting Act, of applicants who are not regulated by the PSC and who have no immediate plans to sell electric power in the retail market. The Commission determined that the petitions raised significant statewide policy issues governing the supply of electricity for the citizens of Florida.

Now pending before the Commission is a joint petition by the City of New Smyrna Beach Utilities Commission and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (Duke Energy) for a determination of need for a 500 megawatt combined cycle electrical power plant in Volusia County (Docket No. 981042-EU). The City of New Smyrna Beach proposes to use less than 10 percent of the capacity. The rest will be sold by Duke Energy on the wholesale market. The question today is the same as it was before: whether a company that is not regulated by the Public Service Commission pursuant to Chapter 366, F.S., should be eligible to seek a determination of need.

When the Florida Electrical Power Plant Siting Act was enacted during the 1970's, no one foresaw that someday it would apply to merchant plants that do not directly serve retail customers in Florida. A fundamental change in state policy, such as is proposed by this petition, is bound to affect consumers and natural resources statewide.

I share the Commission's interest in ensuring reliable and affordable electric power for all. If the Commission believes that broadening the definition of utilities who may apply under the Power Plant Siting Act is necessary or desirable, I would welcome your recommendations for amending the law.

Sincerely,

A handwritten signature in black ink, appearing to be "Tom Lee".

Tom Lee, Chairman
Regulated Industries Committee

TONI JENNINGS
President

WILLIAM G. "DOC" MYERS
President Pro Tempore

001461



THE FLORIDA SENATE
COMMITTEE ON REGULATED INDUSTRIES

Location
320 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5957

Tom Lee, *Chairman*
Jack Latvala, *Vice Chairman*
John Guthrie, *Staff Director*

December 1, 1998

The Honorable E. Leon Jacobs, Jr.
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Dear Commissioner Jacobs:

On December 16, 1997, the Public Service Commission denied two petitions for declaratory statements. The petitions concerned eligibility, under the Power Plant Siting Act, of applicants who are not regulated by the PSC and who have no immediate plans to sell electric power in the retail market. The Commission determined that the petitions raised significant statewide policy issues governing the supply of electricity for the citizens of Florida.

Now pending before the Commission is a joint petition by the City of New Smyrna Beach Utilities Commission and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (Duke Energy) for a determination of need for a 500 megawatt combined cycle electrical power plant in Volusia County (Docket No. 981042-EU). The City of New Smyrna Beach proposes to use less than 10 percent of the capacity. The rest will be sold by Duke Energy on the wholesale market. The question today is the same as it was before: whether a company that is not regulated by the Public Service Commission pursuant to Chapter 366, F.S., should be eligible to seek a determination of need.

When the Florida Electrical Power Plant Siting Act was enacted during the 1970's, no one foresaw that someday it would apply to merchant plants that do not directly serve retail customers in Florida. A fundamental change in state policy, such as is proposed by this petition, is bound to affect consumers and natural resources statewide.

I share the Commission's interest in ensuring reliable and affordable electric power for all. If the Commission believes that broadening the definition of utilities who may apply under the Power Plant Siting Act is necessary or desirable, I would welcome your recommendations for amending the law.

Sincerely,

A handwritten signature in black ink, appearing to be "Tom Lee", written over a horizontal line.

Tom Lee, Chairman
Regulated Industries Committee

001462