

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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. )

DOCKET NO. 981042-EM

FILED: DECEMBER 4 1998

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DEC-4 PM 3:53  
REGISTRATION AND REPORTING

NOTICE OF FILING REQUEST FOR JUDICIAL NOTICE

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 gives notice of filing its request for judicial notice of the following items in support of their Joint Petition for Determination of Need in the above referenced docket.

1. Order No. 9749, issued January 16, 1981, Docket No. 800595-EU (TECO - Big Bend 4).
2. Order No. 10108, issued June 26, 1981, Docket No. 810045-EU (JEA/FPL - St. John's River Park Units 1 and 2).
3. Order No. 10320, issued October 2, 1981, Docket No. 810180-EU (Orlando Utilities Commission - Stanton Energy Center Unit 1).
4. Order No. PSC-94-1313-FOF-EG, issued October 25, 1994, Dockets Nos. 930548-EG, 930549-EG, 930550-EG, and 930551-EG (FPL, FPC, Gulf Power, and TECO - Conservation Goals).
5. 75 F.E.R.C. P61,278; 1996 FERC LEXIS 1237, June 11, 1996, TECO EnergySource, Inc. - market-based rates.
6. 78 F.E.R.C. P63,009; 1997 FERC LEXIS 398, March 4, 1997, Southern Company Services, Inc. - market-based rates.
7. 75 F.E.R.C. P61,130; 1996 FERC LEXIS 729, April 30, 1996, Southern Company Services, Inc. - market-based rates.
8. 81 F.E.R.C. P61,107; 1997 FERC LEXIS 2340, October 29, 1997, Florida Power & Light Company - market-based

MCK \_\_\_\_\_  
 AFA 1  
 APP \_\_\_\_\_  
 DAF \_\_\_\_\_  
 CMU \_\_\_\_\_  
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 EAG 1  
 LEG 1  
 LIN 5  
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 RCH \_\_\_\_\_  
 SEC 1  
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

13687 DEC-4 2001577

FPSC-BUREAU OF RECORDS REPORTING

rates.

9. 79 F.E.R.C. P61,385; 1997 FERC LEXIS 1596, June 26, 1997, Florida Power Corporation - market-based rates.
10. 76 F.E.R.C. P61,155; 1996 FERC LEXIS 1368, August 2, 1996, Progress Power Marketing, Inc. - market-based rates.
11. North Carolina Utilities Commission, Docket No. FP-132, Rockingham Power, LLC, Certificate of Public Convenience and Necessity for Construction of Electric Generation, Preliminary Engineering Plans for a New Generation Facility, October 1, 1998.

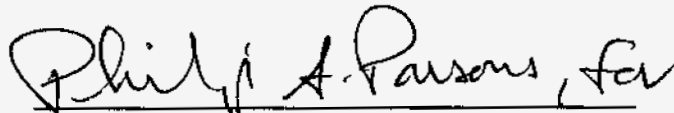


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Respectfully submitted this 4th day of December, 1998.



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**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 4th day of December, 1998:

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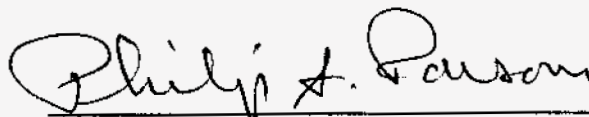
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