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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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: JANUARY 5, 1999

JOINT PETITIONERS' REQUEST FOR COMMISSION ACTION ON  
PENDING REQUESTS FOR JUDICIAL NOTICE

The Utilities Commission, City of New Smyrna Beach, Florida and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. (collectively referred to as "Joint Petitioners") hereby request that the Commission take action on two pending requests for judicial notice filed in the above-referenced docket in and support thereof state:

On December 10, 1998, Joint Petitioners filed with the Commission a request for judicial notice of five enumerated documents including Florida Power & Light Company's Annual Report and Form 10-K and excerpts from the ten year site plans for Florida Power & Light Company, Florida Power Corporation and Tampa Electric Company. In addition, on December 14, 1998, Joint

Petitioners filed a request that the Commission take judicial notice of its Order No. PSC-97-0659-FOF-EM. No party has filed a written objection to either request.

After reviewing the transcript of the evidentiary hearing that occurred in this docket on December 2-4, 11, and 18, 1998, it appears that the Commission has not yet taken action on either request. Accordingly, Joint Petitioners hereby request that the

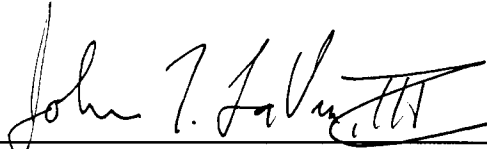
Commission grant the pending requests for judicial notice.

ACK \_\_\_\_\_  
AFA 1  
APP \_\_\_\_\_  
DAF \_\_\_\_\_  
XMU \_\_\_\_\_  
STR \_\_\_\_\_  
FAG Futrell  
LEG 2  
JIN 5  
DPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

RECEIVED & FILED  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
00129 JAN-5801822  
FPSC-RECORDS/REPORTING

Respectfully submitted this 5th day of January, 1999.



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and

Duke Energy New Smyrna Beach Power  
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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 5th day of January, 1999:

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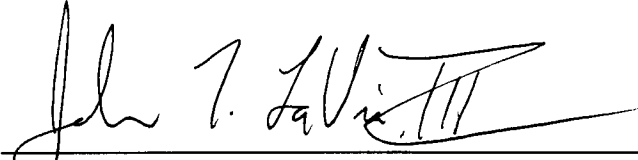
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