

ORIGINAL

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9 JAN 29 11:06

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

**VIA HAND DELIVERY**

Re: Joint Petition for Determination of Need for an Electrical Power Plant  
in Volusia County by the Utilities Commission, City of New Beach,  
Florida and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P.;  
DOCKET NO. 981042-EM

Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of Florida Power Corporation are the original and fifteen (15) copies of Florida Power Corporation's Post-Hearing Brief in Opposition to Determination of Need and Florida Power Corporation's Notice of Filing Revised Post-Hearing Brief in Substitution for Original Post-Hearing Brief.

We request you acknowledge receipt and filing of the above by stamping the additional copy of this document enclosed.

If you or your Staff have any questions regarding this filing, please contact me at (813) 821-7000.

- ACK \_\_\_\_\_
- AFA 2
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_ Enclosures
- cc: Counsel of Record
- EAG \_\_\_\_\_ GLS:jlc
- LEG 3
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

Very truly yours,

Gary L. Sasso

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01198 JAN 29 98

CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P.A.

ORIGINAL

BEFORE THE 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

January 29, 1999

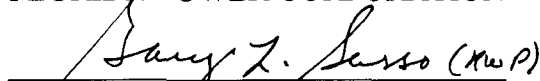
FLORIDA POWER CORPORATION'S NOTICE  
OF FILING REVISED POST-HEARING BRIEF IN SUBSTITUTION  
FOR ORIGINAL POST-HEARING BRIEF

In connection with Florida Power Corporation's Unopposed Motion for Leave to File Post-Hearing Statement of Issues and Positions Out of Time, Florida Power Corporation ("FPC") agreed with the Joint Petitioners that FPC would withdraw the last three (3) pages of its Post-Hearing Brief to substitute FPC's Post-Hearing Statement of Issues and Positions, in order to conform to the 75-page limit on post-hearing submissions.

In accordance with that agreement FPC hereby gives notice of filing of its revised Post-Hearing Brief in substitution for its original Post-Hearing Brief in the record of this case. The revised Post-Hearing Brief eliminates the last three pages of argument of the original brief and includes conforming changes to the table of contents. The briefs are otherwise identical.

Respectfully submitted,

FLORIDA POWER CORPORATION



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DOCUMENT NUMBER-DATE

01198 JAN 29 002228

REGISTRATION REPORTING

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing has been furnished via facsimile to Robert Scheffel Wright as counsel of record for Duke Energy New Smyrna Beach Power Company, L.L.P. and Utilities Commission, City of New Smyrna Beach, Florida and via U.S. Mail to all other counsel of record as follows this 29<sup>th</sup> day of January, 1999:

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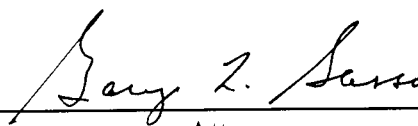
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