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ORIGINAL

April 21, 1999

HAND DELIVERED

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

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.
FPSC Docket No. 981042-EU

Dear Ms. Bayo:

Enclosed for filing is the original of Tampa Electric Company's Notice of Appeal of the Commission's Final Order in the above proceeding, Order No. PSC-99-0535-FOF-EM.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Enclosures

cc: Debbie Causseaux, Acting Clerk (w/enc.)
All Parties of Record (w/enc.)

RECEIVED & FILED

16
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05104 APR 21 99

FPSC-RECORDS/REPORTING

IN THE FLORIDA PUBLIC
SERVICE COMMISSION
Docket No. 981042-EM

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 Company Ltd.,
L.L.P.

ORIGINAL

Tampa Electric Company,
Intervenor/Appellant

v.

NOTICE OF APPEAL

Florida Public Service Commission,
Agency/Appellee

NOTICE IS GIVEN that Tampa Electric Company, Appellant, appeals to the Supreme Court of Florida, the Final Order of this Florida Public Service Commission, Order No. PSC-99-0535-FOF-EM, rendered March 22, 1999. The nature of the order is a Final Order granting the 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. and relating to rates or service of utilities providing electric service.

A conformed copy of the March 22, 1999 Final Order is attached hereto and incorporated herein as Exhibit "A."

DOCUMENT NUMBER-DATE

05104 APR 21 8

002738

FPSC-RECORDS/REPORTING



LEE L. WILLIS
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ATTORNEYS FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing has been filed with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, and a true and correct copy of the foregoing has been filed with the Supreme Court of Florida and furnished by U. S. Mail to Robert Scheffel Wright, John T. LaVia, III and Alan C. Sundberg, Landers & Parsons, P.A., 310 West College Avenue, Tallahassee, Florida 32301, counsel for Utilities Commission, City of New Smyrna Beach, Florida, and Duke Energy New Smyrna Beach Power Company, Ltd., L.L.P., Robert S. Lilien, Duke Energy Power Services, LLC 442 Church Street, PB05B, Charlotte, NC 23242, James A. McGee, Post Office Box 14042, St. Petersburg, Florida 33733 and Gary L. Sasso, Carlton Fields Ward Emmanuel Smith & Cutler, P.A., Post Office Box 2861, St. Petersburg, Florida 33731, counsel for Florida Power Corporation, William B. Willingham and Michelle Hershel, Post Office Box 590, Tallahassee, Florida 32302, counsel for Florida Electric Cooperatives Association, Inc., Gail Kamaras, 1114 Thomasville Road, Suite E, Tallahassee, Florida 32303, counsel for Legal Environmental Assistance Foundation, Inc., Charles A. Guyton and Matthew M. Childs, Steel Hector & Davis, LLP, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301, counsel for Florida Power

& Light Company, Terry L. Kammer, PAC Director, 3944 Florida Boulevard, Palm Beach Gardens, Florida 33410, counsel for System Council U-4, Jon C. Moyle, Jr. and Robert J. Sniffen, Moyle, Flanigan, Katz, Kolins, Raymond & Sheehan, 210 South Monroe Street, Tallahassee, Florida 32301, counsel for U.S. Generating Company, Donald F. Santa, Jr., LC&E Energy Corporation, 220 West Main Street, Louisville, KY 40232 and Leslie J. Paugh and Grace A. Jaye, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, counsel for the Commission Staff, this 21st day of April, 1999.


ATTORNEY