

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

DATE: January 11, 1999
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: DOCKET NO. 981042-EM - 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.

This is to inform you that the Commission has reported the following communications in the above-referenced docket.

- E-mail from Mr. John Shelby dated December 16, 1998.

The E-mail, a copy of which is attached, is being made a part of the record in these proceedings. Pursuant to Section 350.042, F.S. any party who desires to respond to an ex parte communication may do so. The response must be received by the Commission within 10 days after receiving notice that the ex parte communication has been placed on the record. Please mail your response to the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

- ACK _____
- AFA _____
- APP _____ BSB/cp
- CAF _____ Attachment
- CMU _____
- CTR _____ cc: Rob Vandiver/w/letter
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER - DATE
00465 JAN 13 99
DIVISION OF RECORDS & REPORTING

From: JOHNSGOL @ SMTP (JOHN SHELBY) {johnsgolf@ucnsb.net}
To: Joe Garcia
Subject: fwd: NEW SMYRNA BEACH POWER PLANT PROJECT

====NOTE=====12/16/98=10:12am=====

Return-Path: <johnsgolf@ucnsb.net>
Received: from smtp.ucnsb.net (207.203.248.75)
by mail.psc.state.fl.us (Connect2-SMTP 4.30A.1000128)
for <JGARCIA@PSC.STATE.FL.US>; Wed, 16 Dec 1998 09:54:38 -0500
Received: from computer (208ppp034.ucnsb.net [208.6.208.34])
by smtp.ucnsb.net (8.8.8/8.8.8) with SMTP id KAA24944
for <JGARCIA@PSC.STATE.FL.US>; Wed, 16 Dec 1998 10:13:55 -0500

Message-ID: <000701be2906\$7094dfe0\$12000003@computer>

From: "JOHN SHELBY" <johnsgolf@ucnsb.net>

To: <JGARCIA@PSC.STATE.FL.US>

Subject: NEW SMYRNA BEACH POWER PLANT PROJECT

Date: Wed, 16 Dec 1998 10:12:01 -0500

MIME-Version: 1.0

Content-Type: multipart/alternative;
boundary="-----_NextPart_000_0004_01BE28DC.85F9A840"

X-Priority: 3

X-MSMail-Priority: Normal

X-Mailer: Microsoft Outlook Express 4.72.3155.0

X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3155.0

THANK YOU AND YOUR COMMISSION FOR A GOOD LONG REVIEW OF THE DUKE/NEW SMYRNA POWER PROGRAM.

I HAVE NEVER WRITTEN TO A STATE TO SUPPORT A PROJECT WHICH IS IN THE "WIN WIN" CLASS FOR BOTH BUSINESS AND THE ENVIRONMENT. THE ONLY NEGATIVES I HAVE READ TO DATE ARE FEAR CHANGE AND LOSS OF CONTROL. WE NEED COMPETITION NOT MONOPOLIES OR GOVERNMENT SUBSIDED BUSINESS.

THE DUKE/NEW SMYRNA BEACH POWER PROJECT GIVES THE STATE A METHOD TO PHASE IN COMPETITION ALLOWING TIME TO CONVERT THE CURRENT POWER COMPANIES TO A NEW WAY OF BUSINESS.

I AM A RESIDENT WHO RETIRED TO NEW SMYRNA A FEW YEARS AGO AND ONE OF MY FEARS IS THE NUMBER OF POWER UTILITIES SUBJECT TO SURGE EFFECTS. THE NEW DUKE PLANT IS FAR AWAY FROM THE COAST HIGH AND NOT SUBJECT TO FLOODING.

-----[Content-type: text/html]-----

<!DOCTYPE HTML PUBLIC "-//W3C//DTD W3 HTML//EN">

<HTML>

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<META content=text/html; charset=iso-8859-1 http-equiv=Content-Type>

<META content="MSHTML 4.72.3511.1300" name=GENERATOR>

</HEAD>

<BODY bgColor=#ffffff>

<DIV>

<DIV>THANK YOU AND YOUR COMMISSION FOR A GOOD LONG REVIEW OF THE DUKE/NEW SMYRNA POWER PROGRAM.</DIV>

<DIV> I HAVE NEVER WRITTEN TO A STATE TO SUPPORT A PROJECT WHICH IS IN THE "WIN WIN" CLASS FOR BOTH BUSINESS AND THE ENVIRONMENT. THE ONLY NEGATIVES I HAVE READ TO DATE ARE FEAR CHANGE AND LOSS OF CONTROL. WE NEED COMPETITION NOT MONOPOLIES OR GOVERNMENT SUBSIDED BUSINESS.</DIV>

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001823

BUSINESS.</DIV>

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Fwd=by:=Joe=Garcia===12/18/98=10:00am=====

Fwd to: Jorge Cruz-Bustillo

.....
Put this letter on the record and draft a response.

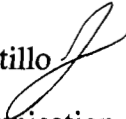
RECEIVED HPSO

DATE: December 28, 1998

DEC 28 PM 4:09

TO: File

RECORDS AND
REPORTING

FROM: Jorge Cruz-Bustillo 

RE: Exparte Communication

On December 16, 1998, Commissioner Garcia was sent an e-mail regarding the Duke New Symrna Beach Power Plant Project. Immediately after opening the e-mail, Commissioner Garcia forwarded the letter to my computer and asked that I place this letter on the record.

Please provide notice of this communication to all parties to the docket and inform them that they have ten (10) days from receipt of this notice to file a response.

jcb

001830

From: Carol Purvis Confirm receipt
To: Bill Berg, Billy Stiles, Curtis Williams, Jorge Cruz-Bustillo, Melinda Butler
Subject: fwd: Ex Parte

===NOTE=====12/28/98==5:50pm=====
CC: Kathleen Stewart, Kay Posey

Commissioner Garcia has reported receiving an E-mail from Mr. John Shelby on December 16, 1998, concerning Docket No. 981042-EM - 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. We are preparing to distribute this E-mail to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Mr. Shelby.

Fwd=by:=Billy=Stiles==12/31/98==9:15am=====
Fwd to: Carol Purvis
CC: Kay Posey

Why are you circulating this to the parties? Is Mr. Shelby representing someone other than himself? You know, individual residential ratepayers representing themselves without compensation are exempt from the ex parte communications statute.

In response to your inquiry, I don't think we received this. The message should indicate who the e-mail was sent to. Is there an indication that Commissioner Clark received it?

Fwd=by:=Carol=Purvis==12/31/98==9:58am=====Fwd to: Blanca Bayo

Fwd=by:=Blanca=Bayo===12/31/98=10:27am=====
Fwd to: Billy Stiles
CC: Carol Purvis

Good morning Billy. Carol is not in the office today so I will respond to your questions.

Commissioner Garcia's office directed that we handle Mr. Shelby's E-mail as an ex parte communication. On December 28, RAR was directed to place Mr. Shelby's communication on the record, provide notice of communication to all parties to the docket, and inform them they have 10 days to respond.

Mr. Shelby sent the E-Mail directly to Commissioner Garcia. Although the message does not indicate that Commissioner Clark was copied, we have no way of knowing if she received it through some other means.

If you have any other questions about this matter, please let me know.

Fwd=by:=Billy=Stiles==12/31/98=10:50am=====
Fwd to: Blanca Bayo, Kay Posey

As far as Kay and I are aware, Susan did not receive this.
Fwd=by:=Blanca=Bayo=====
Fwd to: Carol Purvis

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Carol, FYI.

001832

From: Carol Purvis Confirm receipt
To: Melinda Butler, Jorge Cruz-Bustillo, Curtis Williams, Billy Stiles, Bi
Subject: Ex Parte

====NOTE=====

CC: Kathleen Stewart, Kay Posey
BCC: Robby Cunningham

.....
Commissioner Garcia has reported receiving an E-mail from Mr. John
Shelby on December 16, 1998, concerning Docket No. 981042-EM - 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. We are preparing to distribute this E-mail to the
parties to this docket. Would you please let me know if your Commissioner also
received this letter from Mr. Shelby.

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From: Carol Purvis
To: Bill Berg, Billy Stiles, Curtis Williams, Jorge Cruz-Bustillo, Melinda
Subject: fwd: Ex Parte

===NOTE=====12/28/98==5:50pm=====

CC: Kathleen Stewart, Kay Posey

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Fwd=by:=Curtis=Willia=12/28/98==6:26pm=====

Fwd to: Carol Purvis

.....
Yes

From: Carol Purvis
To: Bill Berg, Billy Stiles, Curtis Williams, Jorge Cruz-Bustillo, Melinda
Subject: fwd: Ex Parte

===NOTE=====12/28/98==5:50pm=====

CC: Kathleen Stewart, Kay Posey

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Fwd=by:=Bill=Berg=====12/29/98==8:18am=====

Fwd to: Carol Purvis

.....
Commissioner Deason did not receive a copy of the e-mail.

001835