

STATE OF FLORIDA

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: February 12, 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. Tim Beyrle dated January 30, 1999.

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.

BSB/cp

Attachment

cc: Rob Vandiver/w/attachment  
Jorge Cruz-Bustillo

DOCUMENT NUMBER - DATE

0-1-99 FEB 12 99

FLSD - RECORDS/REPORTING

From: TBEYRLE @ SMTP (Tim Beyrle) {tbeyrle@bellsouth.net}  
To: Joe Garcia  
Subject: fwd: Duke/New Smyrna Power Plant

====NOTE=====1/30/99=11:15pm=====

99-001,4 FEB-3

Return-Path: <tbeyrle@bellsouth.net>  
Received: from mail1.lig.bellsouth.net (205.152.0.55)  
by mail.psc.state.fl.us (Connect2-SMTP 4.30A.1000128)  
for <JGARCIA@PSC.STATE.FL.US>; Sun, 31 Jan 1999 08:25:26 -0500  
Received: from default (host-209-214-140-83.dab.bellsouth.net [209.214.140.83])  
by mail1.lig.bellsouth.net (8.8.8-spamdog/8.8.5) with SMTP id XAA10394  
for <JGARCIA@PSC.STATE.FL.US>; Sat, 30 Jan 1999 23:16:30 -0500 (EST)

Message-ID: <003c01be4cd0\$538fe3c0\$538cd6d1@default>  
From: "Tim Beyrle" <tbeyrle@bellsouth.net>  
To: <JGARCIA@PSC.STATE.FL.US>  
Subject: Duke/New Smyrna Power Plant  
Date: Sat, 30 Jan 1999 23:15:17 -0500  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----\_NextPart\_000\_0039\_01BE4CA6.66247520"  
X-Priority: 3  
X-MSMail-Priority: Normal  
X-Mailer: Microsoft Outlook Express 4.72.3115.0  
X-MimeOLE: Produced By Microsoft MimeOLE V4.72.3110.3

PSC Commissioner:

With the recent announcement by Oleander Power to build 900MW of peaking capacity and the upcoming purchase of OUC's Indian River Plant by AES, it seems the only purpose of the Power Plant Siting Act is to prevent the construction and operation efficient and environmentally friendly power plants. Please don't let the large, investor-owned utilities keep the residents of Florida from enjoying the benefits of this new plant.

Thank you.  
~~~~~  
Tim Beyrle - tbeyrle@bellsouth.net

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

```
<!DOCTYPE HTML PUBLIC "-//W3C//DTD W3 HTML//EN">
<HTML>
<HEAD>
<META content=text/html; charset=iso-8859-1 http-equiv=Content-Type>
<META content="MSHTML 4.72.3110.7" name=GENERATOR>
</HEAD>
<BODY bgColor=#ffffff>
<DIV>
<DIV><FONT face=Verdana size=2>PSC Commissioner:</FONT></DIV>
<DIV><FONT face=Verdana size=2></FONT>&nbsp;</DIV>
<DIV><FONT face=Verdana size=2>With the recent announcement by Oleander Power to
build 900MW of peaking capacity and the upcoming purchase of OUC's Indian River
Plant by AES, it seems the only purpose of the Power Plant Siting Act is to
prevent the construction and operation efficient and environmentally friendly
power plants.&nbsp;</FONT> Please don't let the large, investor-owned utilities keep
the residents of Florida from enjoying the benefits of this new
plant.</FONT></DIV>
<DIV><FONT face=Verdana size=2></FONT>&nbsp;</DIV>
```

002321

<DIV><FONT face=Verdana size=2>Thank you.</FONT></DIV></DIV>  
<DIV><FONT color=#000000 face=Verdana size=2>~~~~~<BR>Tim  
Beyrle - <A  
href="mailto:tbeyrle@bellsouth.net">tbeyrle@bellsouth.net</A><BR></FONT></DIV></BOD  
Y></HTML>

Fwd=by:=Joe=Garcia===2/01/99==1:44pm=====

Fwd to: Jorge Cruz-Bustillo

.....  
Put this on the record and lets draft a response.  
-----

State of Florida

Joe Garcia  
Chairman

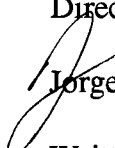


Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0855  
(850) 413-6042  
Fax: (850) 413-6395

# Public Service Commission

## MEMORANDUM

TO: Blanca Bayó  
Director, Division of Records and Reporting

FROM:  Jorge Cruz-Bustillo, Executive Assistant to Commissioner Garcia

RE: Written Communication Regarding Duke New Symrna Docket

DATE: February 3, 1999

RECEIVED  
RECORDS AND  
REPORTING

FEB 03 5 PM '99

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Please place the attached written communication, which may be considered ex parte, in the file for the above proceeding.

The attached document was sent by e-mail to Chairman Garcia, from a Mr. Tim Beyrle.

Please give notice of this communication to all parties to the docket and inform them they have ten days from receipt of the notice to file a response.

jcb

State of Florida

Joe Garcia  
Chairman




Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0855  
(850) 413-6042  
Fax: (850) 413-6395

# Public Service Commission

## MEMORANDUM

TO: Blanca Bayó  
Director, Division of Records and Reporting

FROM:  Jorge Cruz-Bustillo, Executive Assistant to Commissioner Garcia

RE: Written Communication Regarding Duke New Symrna Docket

DATE: February 3, 1999

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Please place the attached written communication, which may be considered ex parte, in the file for the above proceeding.

The attached document was sent by e-mail to Chairman Garcia, from a Mr. Tim Beyrle.

Please give notice of this communication to all parties to the docket and inform them they have ten days from receipt of the notice to file a response.

jcb

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

====NOTE=====2/05/99==4:03pm=====  
CC: Kathleen Stewart, Kay Posey

.....  
Commissioner Garcia has reported receiving an E-mail from Mr. Tim Beyrle on February 1, 1999, 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. Beyrle.

Fwd=by:=Billy=Stiles==2/05/99==4:30pm=====  
Fwd to: Carol Purvis  
CC: Kay Posey, Susan Clark

.....  
I don't believe we got this one.

Fwd=by:=Susan=Clark===2/09/99=10:00am=====  
Fwd to: Billy Stiles

.....  
maybe we should search my discarded e mail to make sure...how can we do this  
Fwd=by:=Billy=Stiles==2/09/99=10:08am=====  
Fwd to: Susan Clark

.....  
We would have to request BIP to search the backed-up e-mail messages. In the past, this has been a fairly intensive effort. With the push on resources, they probably won't be happy about being asked to to this. It is possible that some sort of search capability has been instituted in response to the concern about access to public records.

In any event, I responded to Carol the way I did (telling her that I didn't think we had received it) because I think you normally refer any suspect e-mail messages to me. You didn't send this one to me. Therefore, I assumed you didn't get it.

Fwd=by:=Susan=Clark===2/09/99=10:21am=====  
Fwd to: Billy Stiles

.....  
Well I think I have seen it and thought it was just an individual ratepayer...could we see if he sent it to all of us

Fwd=by:=Billy=Stiles==2/09/99=10:26am=====  
Fwd to: Carol Purvis

.....  
Carol, can you look on the e-mail message Joe received and tell if other Commissioners received this as well? Also, is there any indication that the sender is anything other than an individual residential ratepayer representing himself without compensation?

Fwd=by:=Carol=Purvis=====  
Fwd to: Billy Stiles

.....  
The sender signed as "Tim Beyrle - tbeyrle@bellsouth.net" It doesn't appear that other Commissioners received a copy of the e-mail, but I can't be sure.

-----  
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. Tim Beyrle on February 1, 1999, 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. Beyrle.

002326

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

===NOTE=====2/05/99==4:03pm=====

CC: Kathleen Stewart, Kay Posey  
.....  
Commissioner Garcia has reported receiving an E-mail from Mr. Tim Beyrle on February 1, 1999, 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. Beyrle.

Fwd=by:=Curtis=Willia=2/09/99=12:19pm=====

Fwd to: Carol Purvis  
.....

Yes

-----

002327