

BEFORE THE FLORIDA 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
ORDER NO. PSC-98-1305-PCO-EM
ISSUED: October 8, 1998

ORDER GRANTING PETITIONS FOR INTERVENTION

BY THE COMMISSION:

By Petition, Florida Power & Light Company, Florida Power Corporation, Florida Electric Cooperatives Association, Inc., Legal Environmental Assistance Foundation, Inc. and Tampa Electric Company have requested permission to intervene in this proceeding.

Oral argument was requested by Florida Power Corporation.

Petitioners, Utilities Commission, City of New Smyrna Beach, Florida and Duke Energy New Smyrna Beach Power Company Ltd, L.L.P., filed Responses In Opposition and Motions To Deny Florida Power & Light Company's, Florida Power Corporation's, Florida Electric Cooperatives Association's and Tampa Electric Company's Petitions For Intervention.

Oral argument was heard on October 1, 1998.

Having considered all of the pleadings and the arguments of counsel, it is hereby

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Petitions to Intervene filed by Florida Power & Light Company, Florida Power Corporation, Florida Electric Cooperatives Association, Inc., Legal Environmental Assistance Foundation, Inc., and Tampa Electric Company are hereby granted. It is further

DOCUMENT NUMBER-DATE

11081 OCT-8 000613

NO RECORDS/REPORTING

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ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Matthew M. Childs, Esquire, P.A., and Charles Guyton, Esquire, Steel Hector & Davis LLP, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301, on behalf of Florida Power & Light Company;

James A. McGee, Esquire, and Jeff Froeschle, Esquire, Florida Power Corporation, Post Office Box 14042, St. Petersburg, Florida 33733-4042, and Gary L. Sasso, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., Post Office Box 2861, St. Petersburg, Florida 33731, on behalf of Florida Power Corporation;

William B. Willingham, Esquire, and Michelle Hershel, Esquire, Florida Electric Cooperatives Association, Inc., Post Office Box 590, Tallahassee, Florida 32302, on behalf of Florida Electric Cooperatives Association, Inc.;

Gail Kamaras, Esquire, and Debra Swim, Esquire, Legal Environmental Assistance Foundation, 1114 Thomasville Road, Suite E, Tallahassee, Florida 32303, on behalf of Legal Environmental Assistance Foundation; and

Lee L. Willis, Esquire, and James D. Beasley, Esquire, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida 32302, on behalf of Tampa Electric Company.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 8th day of October, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)

LJP

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

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