

**RUTLEDGE, ECENIA & PURNELL**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
RICHARD M. ELLIS  
JOHN M. LOCKWOOD  
MARTIN P. McDONNELL  
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551  
119 SOUTH MONROE STREET, SUITE 202  
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788  
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
MARSHA E. RULE  
GARY R. RUTLEDGE  
MAGGIE M. SCHULTZ

GOVERNMENTAL CONSULTANTS  
JONATHAN M. COSTELLO  
MARGARET A. MENDUNI

September 10, 2010

**By Hand Delivery**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
10 SEP 10 PM 12:17  
COMMISSION  
CLERK

Re: Docket 100385-EU  
Petition for Determination of Need for Expansion of an Existing Renewable Energy  
Electrical Power Plant in Palm Beach County by Solid Waste Authority of Palm Beach  
County

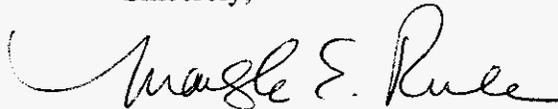
Dear Ms. Cole:

Enclosed for filing in on behalf of the Solid Waste Authority of Palm Beach County  
please find an original and 15 copies of a Notice of Withdrawal of Petition for Modification To  
Determination of Need By Solid Waste Authority of Palm Beach County, Florida.

Please acknowledge receipt of the enclosed documents by stamping the extra copy of this  
letter "filed" and returning the copy to me.

Thank you for your assistance with this filing and please do not hesitate to contact me if  
you have any questions.

Sincerely,



Marsha E. Rule

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR 12  
GCL 2  
RAD 1  
SSC \_\_\_\_\_  
ADM \_\_\_\_\_  
OPC \_\_\_\_\_  
CLK \_\_\_\_\_

Enclosures  
cc: Erik Sayler  
Tom Ballinger  
Bob Trapp

DOCUMENT NUMBER: 07588 SEP 10 e  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need for ) Docket No. 100385 - EU  
Expansion of an Existing Renewable Energy )  
Electrical Power Plant in Palm Beach County by ) Filed: September 10, 2010  
Solid Waste Authority of Palm Beach County )  
\_\_\_\_\_ )

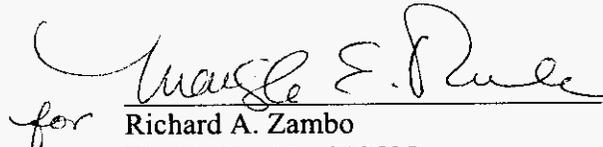
**NOTICE OF WITHDRAWAL OF PETITION  
FOR MODIFICATION TO DETERMINATION OF NEED  
BY  
SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, FLORIDA**

On July 13, 2010, the Solid Waste Authority of Palm Beach County (“SWA”) filed an application for modification of an existing site certification with the Florida Department of Environmental Protection (“DEP”). Subsequently, as an adjunct to the DEP filing, on August 26, 2010 the SWA filed its Petition for Modification to Determination of Need for an expansion of an existing renewable energy electrical power plant, thus initiating this proceeding.

As a result of ongoing post-filing discussions, the DEP has requested that SWA modify the expanded power plant’s emission control technology from that proposed and envisioned in its July 13 DEP filing. To accommodate the DEP request, the SWA has discarded the results of its *previously published request for proposals (“RFP”)* for procurement of the expanded power plant, and within the next several weeks will reissue the RFP to include the DEP-requested emission control technology. Modification of the emission control technology is expected to impact the construction and operating cost of the expanded power plant, and also has the potential to reduce the electrical output and/or extend the schedule of the expansion.

Accordingly, SWA hereby voluntarily withdraws, without prejudice, its Petition for Modification to Determination of Need filed in this proceeding on August 26, 2010. SWA expects to refile its petition to those reflect changes, if any, necessitated by the modification of the emission control technology, as soon as reasonably practicable.

Respectfully submitted on this 10<sup>th</sup> day of September, 2010.

  
for Richard A. Zambo  
Florida Bar No. 312525  
Richard A. Zambo, P.A.  
2336 S.E. Ocean Boulevard, #309  
Stuart, Florida 34996  
Phone: (772) 221-0263  
FAX (772) 283-6756  
[richzambo@aol.com](mailto:richzambo@aol.com)

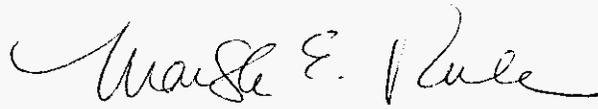
and

Marsha E. Rule  
Florida Bar No. 0302066  
Rutledge, Ecenia & Purnell, P.A.  
119 South Monroe Street, Suite 202  
Tallahassee, Florida 32301  
Phone (850) 681-6788  
FAX (850) 681-6515  
[marsha@reuphlaw.com](mailto:marsha@reuphlaw.com)

CERTIFICATE OF SERVICE

I hereby certify the foregoing was been served by U. S. mail and hand delivery to the following persons on this 10<sup>th</sup> day of September, 2010:

Erik Sayler, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Email: [esayler@psc.state.fl.us](mailto:esayler@psc.state.fl.us)

  
Marsha E. Rule  
Attorney