ORIGINAL

State of Florida

Cer 10110 JULIA L. JOHNSON, CHAIRMAN J. TERRY DEASON SUSAN F. CLARK JOE GARCIA E. LEON JACOBS, JR.

ACK.

Bianca S. Bayó, Director **Division of Records and Reporting** (850) 413-6770

Public Service Commission

DATE: January 30, 1998

TO: Parties of Record

Blanca S. Bayó, Director FROM: Division of Records and Reporting

DOCKET NO. 971337-EU - Petition of Duke Mulberry Energy, L.P. and RE: IMC-Agrico Company for a declaratory statement concerning eligibility to obtain determination of need pursuant to Section 403.519, F.S.

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

- Letter from Mr. Peter E. Mallory, Chairman of the New Smyrna Beach Utilities Commission, dated December 19, 1997.
- Letter from Mr. James L. Vandergrifft, Mayor of New Smyrna Beach, dated December 19, 1997.

The letters, copies of which are attached, are 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.

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AFA S APP BSB/cp DOCUMEN CAF 0 CM Attachment CT cc: Rob Vandiver/w/letter E/ 1 E LU Oi RC Si DOCUMENT NUMBER DATE WAS CAPITAL CIRCLE OFFICE CENTER - 2549 SHUMARD OAK BOULEVARD - TALLAHASSEE, FL 22399-6870 ative Action/Equal Opportunity Employer Internet E-mail ONTACT PSC/RIA 3. US An Affirmative Action/Equal Opportunity Employer

FPSC-RECORDS/REFORTING

STATE OF FLORIDA



RECEIVED JAN 23 1998

Public Service Commission FPSC - Records/Reporting

January 22, 1998

MEMORANDUM

TO Blanca Bayo Director of Records and Reporting

FROM Chairman Julia Johnson TJ

SUBJECT: Correspondence received re Docket No. 971337

Please find attached a copy of a letter from James L. Vandergrifft, Mayor of New Smyrna Beach. Please place this memorandum and attachments on the record of the above-referenced proceeding. Also, please give notice of this communication to all parties to the docket, and inform them that they have 10 days from receipt of the notice to file a response.

JLJ:CJW:ssf

Attachments:



City of New Smyrna Beach

Office of the Mayor & City Commissioners

December 19, 1997

Florida Public Service Commission ATTN.: Ms. Julia L. Johnson Chairwoman 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Dear Chairwoman Johnson:

The City of New Smyrna Beach would like to request your approval and support of the proposed joint generation project by and between the Utilities Commission and Duke Energy.

This proposed project will provide the most economical and a much needed power supply source for New Smyrna Beach. The project will save at least \$3 ½ million per year for our ratepayers, produce \$750,000 per year in tax revenues, and provide much needed employment opportunities in our community. All of these benefits would be accomplished without imposing the costs of the plant on our taxpayers and ratepayers.

The project is also an environmental plus for our state as it will be a combined cycle natural gas plant, with lower CO2 emissions than a coal or oil plant, and water furnished for the production process will be reuse water from our wastewater treatment plant.

The City of New Smyrna Beach is very excited about this opportunity for our community and believe it to be a major step in our efforts to become and stay competitive in the ever changing electric industry.

Any assistance in realizing this advancement for our community would be greatly appreciated. If you have any questions or need further information, please contact us.

Sincerely,

Mayor James L. Vandergrifft City of New Smyrna Beach, Florida

210 Sams Avenue • New Smyrna Beach, Florida 32168-9985 • 904-424-2112 • FAX 904-424-2109

Printed by Carol Purvis	1/26/98 12:53pm	
From: Carol Purvis		Confirm receipt
To: Bill Berg, Billy Stiles, Bra Bedell	aulio Baez, Curtis Williams, (Catherine
Subject: Ex Parte		
BCC: Robby Cunningham		
Chairman Johnson has reporte Vandergrifft, Mayor New Smy Docket No. 971337-EU, Duke I are preparing to distribute	ed receiving a letter from Mr rna Beach dated December 19, Mulberry Energy, L.P. and IMC this letter to the parties to w if your Commissioner also re	. James L. 1997, concerning -Agrico Company. We o this docket.

Printed by Carol Purv	is 1/26/98	4:31pm	
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From: Carol Purvis			
Bill Berg, Billy Stiles Williams	, Braulio Baez, C	atherine Bedell,	Curtis
Subject: fwd: Ex Parte			
NOTE	ported receiving Smyrna Beach dat uke Mulberry Ener bute this letter know if your Com	a letter from Mr ed December 19, gy, L.P. and IMC to the parties t missioner also r	. James L. 1997, concerning -Agrico Company. We o this docket. eceived this letter
Fwd=by:=Catherine=Bed=1, Fwd to: Carol Purvis, S	hirley Jeff		
As far as we are aware of time the letter is date of the letter was addres circulated to her.	Commissioner Jaco d. did not receiv	bs, who was not a a copy of this	in office at the letter. If a copy

Q I a

Printed by Carol Purvis 1/26/98 4:36pm From: Carol Purvis To: Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis Williams Subject: fwd: Ex Parte Chairman Johnson has reported receiving a letter from Mr. James L. Vandergrifft, Mayor New Smyrna Beach dated December 19, 1997, concerning Docket No. 971337-EU, Duke Mulberry Energy, L.P. and IMC-Agrico Company. We are preparing to distribute this letter to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Mr. Vanderfrifft. Fwd to: Carol Purvis, Shirley Jeff As far as we are aware Commissioner Jacobs, who was not in office at the time the letter is dated, did not receive a copy of this letter. If a copy of the letter was addressed to former Commissioner Kiesling, it was not circulated to her. Fwd to: Catherine Bedell Oops!!! Sorry, didn't pay attention to the date when I sent. Fwd to: Carol Purvis It's okay -- this way we can eliminate any confusion down the road.

Printed by Carol Purvis	1/28/98	11:35am
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From: Carol Purvis		
To:		Cabbaulas Badall Curtie
Bill Berg, Billy Stiles, Braw Williams		
Subject: fwd: Ex Parte		
Chairman Johnson has reported Vandergrifft, Mayor New Smyrn Docket No. 971337-EU, Duke M are preparing to distribute Would you please let me know from Mr. Vanderfrifft.	d receiving na Beach da ulberry Ene this letter if your Co	ted December 19, 1997, concerning rgy, L.P. and IMC-Agrico Company. We to the parties to this docket. mmissioner also received this letter
End to. Carol Purvis		
Our office did not receive t	his letter.	•••••••••••••••••••••••••••••••••••

STATE OF FLORIDA



Public Service Commission

January 22, 1998

MEMORANDUM

TO:	Blanca Bayo
	Director of Records and Reporting

FROM: Chairman Julia Johnson

SUBJECT: Correspondence received re Docket No. 971337

Please find attached a copy of a letter from Peter E. Mallory, Chairman of the New Smyrna Beach Utilities Commission. Please place this memorandum and attachments on the record of the above-referenced proceeding. Also, please give notice of this communication to all parties to the docket, and inform them that they have 10 days from receipt of the notice to file a response

JLJ:CJW:ssf

Attachments:

UTILITIES COMMISSION

CITY OF NEW SMYRNA BEACH, FLORIDA ELECTRIC, WATER, POLLUTION CONTROL Post Office Box 100 - 200 Canal St. New Smyrna Beach, Florida 32170-0100 (904) 427-1361



December 19, 1997

97-0468 JAN 15

Florida Public Service Commission ATTN.: Ms. Julia L. Johnson Chairwoman 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Dear Chairwoman Johnson:

The Utilities Commission, City of New Smyrna Beach, would like to request your approval and support of the proposed joint generation project by and between the Utilities Commission and Duke Energy.

This proposed project will provide the most economical and a much needed power supply source for New Smyrna Beach. The project will save at least \$3 ½ million per year for our ratepayers, produce \$750,000 per year in tax revenues, and provide much needed employment opportunities in our community. All of these benefits would be accomplished without imposing the costs of the plant on our taxpayers and ratepayers.

The project is also an environmental plus for our state as it will be a combined cycle natural gas plant, with lower CO2 emissions than a coal or oil plant, and water furnished for the production process will be reuse water from our wastewater treatment plant.

The Utilities Commission is very excited about this opportunity for our community and believe it to be a major step in our efforts to become and stay competitive in the ever changing electric industry.

Any assistance in realizing this advancement for our community would be greatly appreciated. If you have any questions or need further information, please contact us.

Sincerely,

Peter E. Mall

Peter E. Mallory Chairman, Utilities Commission City of New Smyrna Beach, Florida

Printed by Carol Purvis	1/26/98	12:55pm	
From: Carol Purvis			Confirm receipt
Pot -			50
Bill Berg, Billy Stiles, Bra Bedell	ulio Baez,	Curtis William	s, Catherine
Subject: Ex Parte			
SCC: Robby Cunningham			
Chairman Johnson has reporte Chairman of the New Smyrna B 1997, concerning Docket No. IMC-Agrico Company. We are p Darties to this docket. Wou also received this letter fr	d receiving each Utilit 971337-EU, reparing to ld you plea	y a letter from ties Commission Duke Mulberry D distribute that ise let me know	Mr. Peter E. Mallory, dated December 19, Energy, L.P. and is letter to the

Printed by Carol Purvis	1/26/98	4:50pm	
From: Carol Purvis			
To: Bill Berg, Billy Stiles, Br	and a Baser C	atherine Rede	11 Ourtie
Bill Berg, Billy Stiles, Br Williams	aurio Bacz, C	acherine neue	ii, curcib
Subject: fwd: Ex Parte			
===NOTE=================================			
Chairman Johnson has report Chairman of the New Smyrna 1997, concerning Docket No. IMC-Agrico Company. We are parties to this docket. Wo also received this letter f	ed receiving Beach Utiliti 971337-EU, D preparing to buld you pleas from Mr. Mallo	a letter from es Commission uke Mulberry distribute th e let me know ry.	Mr. Peter E. Mallory, dated December 19, Energy, L.P. and is letter to the if your Commissioner
Fwd=by:=Catherine=Bed=1/26/ Fwd to: Carol Purvis, Shirl	ev Jell		
As far as we are aware Comm time this letter is dated, letter was addressed to Com	did not recei	bs, who was n ve a copy of	it. If a copy of this

Printed by Carol Purvis 1/28/98 11:37am From: Carol Purvis To: · Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis Williams Subject: fwd: Ex Parte Chairman Johnson has reported receiving a letter from Mr. Peter E. Mallory, Chairman of the New Smyrna Beach Utilities Commission dated December 19, 1997, concerning Docket Nc. 971337-EU, Duke Mulberry Energy, L.P. and IMC-Agrico Company. We are preparing to distribute this letter to the parties to this docket. Would you please let me know if your Commissioner also received this letter from Mr. Mallory. Fwd to: Carol Purvis Our office did receive this letter. It has been forwarded to RAR with response attached.

Page: 1

State of Florida



Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (850) 413-6042 FAX (850) 413-6395

Joe Garcia Commissioner

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Public Service Commission

MEMORANDUM

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- 2 - 1938

TO:	Blanca Bayó					
	Director,	Division	of	Reports	and	Reporting

FROM: Commissioner Joe Garcia

- RE: Written Communication Regarding Docket 971446-EU Pursuant to Section 350.042, Florida Statutes
- DATE: January 27, 1998

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

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.

D / No response was made to this communication.

I have attached a copy of my response.

BLB:ks

Internet E-mail CONTACT@PSC STATE FL US

UTILITIES COMMISSION

CITY OF NEW SMYRNA BEACH, FLORIDA ELECTRIC, WATER, POLLUTION CONTROL Post Office Box 100 - 200 Canal St. New Smyrna Beach, Florida 32170-0100 (904) 427-1361



December 19, 1997

Florida Public Service Commission ATTN.: Mr. Joe Garcia Commissioner 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Dear Commissioner Garcia:

The Utilities Commission, City of New Smyrna Beach, would like to request your approval and support of the proposed joint generation project by and between the Utilities Commission and Duke Energy.

This proposed project will provide the most economical and a much needed power supply source for New Smyrna Beach. The project will save at least \$3 ½ million per year for our ratepayers, produce \$750,000 per year in tax revenues, and provide much needed employment opportunities in our community. All of these benefits would be accomplished without imposing the costs of the plant on our taxpayers and ratepayers.

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Any assistance in realizing this advancement for our community would be greatly appreciated. If you have any questions or need further information, please contact us.

Sincerely,

Peter S. Mallors

Peter E. Mallory Chairman, Utilities Commission City of New Smyrna Beach, Florida

DEC 3 1 134/

ala in National State of Florida



Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 (850) 413-6042 FAX (850) 413-6395

Public Service Commission

January 27, 1998

Joe Garcia

Commissioner

Peter E. Mallory, Chairman Utilities Commission City of New Smyrna Beach PO Box 100 New Smyrna Beach, FL 32170

Dear Mr. Mallory:

Thank you for your letter to Commissioner Garcia concerning the generation project with Duke Energy. As this is a pending docket before the Florida Public Service Commission, Commissioner Garcia is prohibited from commenting on the matter.

Enclosed for your review is a transcript from the Agenda Conference that concerns this issue when it was before the Commission in December.

Sincerely

Executive Assistant to I Commissioner Joe Garcia

BB/ks Enclosure