

ORIGINAL

State of Florida

Commissioners:

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



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

Public Service Commission

DATE: January 30, 1998
TO: Parties of Record
FROM: Blanca S. Bayó, Director *BSB*
Division of Records and Reporting
RE: DOCKET NO. 971337-EU - Petition of Duke Mulberry Energy, L.P. and
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. Vandergriff, 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.

ACK _____
 AFA _____
 APP _____
 CAF _____ BSB/cp
 CM _____ Attachment
 CTR _____
 EA _____ cc: Rob Vandiver/w/letter
 LE _____
 LIR _____
 OI _____
 RO _____
 SE _____
 WAS _____

DOCUMENT NUMBER DATE
01615 JAN 30 98
FPSC-RECORDS/REPORTING

CAPITAL CIRCLE OFFICE CENTER - 2540 SHUMARD OAK BOULEVARD - TALLAHASSEE, FL 32399-0870

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FPSC-RECORDS/REPORTING

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 *JJ*

SUBJECT: Correspondence received re Docket No. 971337

Please find attached a copy of a letter from James L. Vandergriff, 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

97-0479 JAN 15

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. Vandergriff
City of New Smyrna Beach, Florida



From: Carol Purvis

Confirm receipt

To: Bill Berg, Billy Stiles, Braulio Baez, Curtis Williams, Catherine
Bedell

Subject: Ex Parte

-----NOTE-----
BCC: Robby Cunningham

Chairman Johnson has reported receiving a letter from Mr. James L. Vandergriff, 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. Vandergriff.

From: Carol Purvis

To: Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis Williams

Subject: fwd: Ex Parte

-----NOTE-----1/26/98-12:54pm-----
Chairman Johnson has reported receiving a letter from Mr. James L. Vandergriff, 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. Vandergriff.

Fwd-by:=Catherine=Bed=1/26/98==4:30pm-----
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.



From: Carol Purvis

To: Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis Williams

Subject: fwd: Ex Parte

===NOTE=====1/26/98=12:54pm=====

Chairman Johnson has reported receiving a letter from Mr. James L. Vandergriff, 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. Vandergriff.

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Fwd to: Carol Purvis, Shirley Jeff

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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-by:=Carol=Purvis==1/26/98==4:31pm=====

Fwd to: Catherine Bedell

.....

Oops!!! Sorry, didn't pay attention to the date when I sent.

Fwd-by:=Catherine=Bed=1/26/98==4:35pm=====

Fwd to: Carol Purvis

.....

It's okay--this way we can eliminate any confusion down the road.

From: Carol Purvis

To:
Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis
Williams

Subject: fwd: Ex Parte

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Vandergriff, Mayor New Smyrna Beach dated December 19, 1997, concerning
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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. Vandergriff.

Fwd-by:=-Braulio-Baez=-1/28/98=11:21am-----
Fwd to: Carol Purvis

.....
Our office did not receive this letter.

STATE OF FLORIDA



Public Service Commission

January 22, 1998

MEMORANDUM

TO: Blanca Bayo
Director of Records and Reporting

FROM: Chairman Julia Johnson *JJ*

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



97-0468 JAN 15

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

From: Carol Purvis

Confirm receipt

To:

Bill Berg, Billy Stiles, Braulio Baez, Curtis Williams, Catherine
Bedell

Subject: Ex Parte

-----NOTE-----

BCC: Robby Cunningham

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 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. Mallory.

From: Carol Purvis

To: Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis Williams

Subject: fwd: Ex Parte

---NOTE-----1/26/98-12:55pm-----
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Fwd-by:=-Catherine-Bed=1/26/98==4:37pm-----
Fwd to: Carol Purvis, Shirley Jeff
.....

As far as we are aware Commissioner Jacobs, who was not in office at the time this letter is dated, did not receive a copy of it. If a copy of this letter was addressed to Commissioner Kiesling, it was not circulated to her.

From: Carol Purvis

To: Bill Berg, Billy Stiles, Braulio Baez, Catherine Bedell, Curtis Williams

Subject: fwd: Ex Parte

===NOTE=====1/26/98-12:55pm=====

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Fwd-by: =Braulio=Baez=1/28/98-11:21am=====

Fwd to: Carol Purvis

.....

Our office did receive this letter. It has been forwarded to RAR with response attached.

State of Florida

Joe Garcia
Commissioner



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

Public Service Commission

RECEIVED

MEMORANDUM

JAN 27 1998

Records Reporting

TO: Blanca Bayó
Director, Division of Records and Reporting

FROM: Commissioner Joe Garcia *[Signature]*

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.

No response was made to this communication.

I have attached a copy of my response.

Bl.B:ks

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

DEC 21 1997

Joe Garcia
Commissioner

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

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,

Braulio Baez
Executive Assistant to
Commissioner Joe Garcia

BB/ks
Enclosure