

ORIGINAL  
RECEIVED FPSC

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

98 SEP -4 PM 4:40

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. )

RECORDS AND  
REPORTING

DOCKET NO. 981042-EM

FILED: SEPT. 4, 1998

PRELIMINARY ISSUES LIST OF THE UTILITIES COMMISSION,  
CITY OF NEW SMYRNA BEACH, FLORIDA AND  
DUKE ENERGY NEW SMYRNA BEACH POWER COMPANY LTD., L.L.P.

The Utilities Commission, City of New Smyrna Beach, Florida ("UCNSB" or "Utilities Commission") and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. ("Duke New Smyrna"), pursuant to the Case Assignment and Scheduling Record for this docket, hereby respectfully submit this preliminary list of issues to be addressed in this need determination proceeding.

- 1. Is the New Smyrna Beach Power Project consistent with the need of the UCNSB for electric system reliability and integrity?

UCNSB/Duke New Smyrna: Yes.

- 2. Is the New Smyrna Beach Power Project consistent with the need of the UCNSB for adequate electricity at a reasonable cost?

UCNSB/Duke New Smyrna: Yes.

- 3. Is the New Smyrna Beach Power Project the most cost-effective alternative available to meet the UCNSB's power supply needs?

UCNSB/Duke New Smyrna: Yes.

- Is the New Smyrna Beach Power Project consistent with the need of Peninsular Florida for electric system reliability and integrity?

UCNSB/Duke New Smyrna: Yes.

ACK \_\_\_\_\_  
AFA 2  
APP 3  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CFR 2  
EAG 1  
LEG 2  
LIN 5  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
DTH \_\_\_\_\_

RECEIVED & FILED

1

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09679 SEP-4 8 000168

RECORDS AND REPORTING

5. Is the New Smyrna Beach Power Project consistent with the need of Peninsular Florida for adequate electricity at a reasonable cost?

UCNSB/Duke New Smyrna: Yes.

6. Is the New Smyrna Beach Power Project the most cost-effective alternative available to Duke New Smyrna to meet its obligations under the Participation Agreement with the UCNSB and to satisfy its anticipated wholesale power supply commitments?

UCNSB/Duke New Smyrna: Yes.

7. Is the New Smyrna Beach Power Project consistent with Peninsular Florida's needs for cost-effective power supply resources?

UCNSB/Duke New Smyrna: Yes.

8. Has Duke New Smyrna provided sufficient information on the site, design, and engineering characteristics of the New Smyrna Beach Power Project to evaluate the proposed Project?

UCNSB/Duke New Smyrna: Yes.

9. Has Duke New Smyrna adequately considered other reasonably available generation technologies as alternatives to the proposed Project?

UCNSB/Duke New Smyrna: Yes.

10. Have adequate assurances been provided regarding (a) the sufficiency of supplies of natural gas; (b) the commitment of natural gas supplies to the New Smyrna Beach Power Project; and (c) the availability either of gas transportation capacity or of commitments to build sufficient gas transportation capacity to serve the needs of the New Smyrna Beach Power Project?

UCNSB/Duke New Smyrna: Yes.

11. Have the costs of environmental compliance associated with the New Smyrna Beach Power Project been adequately considered by Duke New Smyrna?

UCNSB/Duke New Smyrna: Yes.

12. Are there likely to be any adverse consequences on the UCNSB if the New Smyrna Beach Power Project is not constructed and brought into commercial operation in the amount and time sought?

UCNSB/Duke New Smyrna:

Yes. If the New Smyrna Beach Power Project is not constructed and brought into commercial operation in the amount and time sought, the UCNSB's ability to meet its obligation to provide adequate and reliable electricity will be impaired, and the cost of power to the UCNSB and its customers will be greater than if the Project is brought into operation in the amount and time sought.

13. Are there likely to be any adverse consequences on Peninsular Florida if the New Smyrna Beach Power Project is not constructed and brought into commercial operation in the amount and time sought?

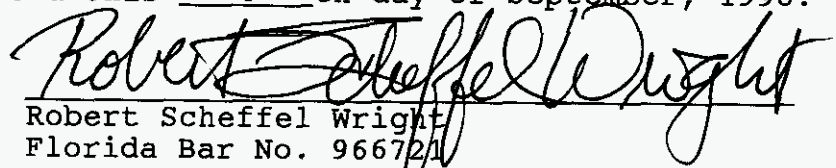
UCNSB/Duke New Smyrna:

Yes. If the New Smyrna Beach Power Project is not constructed and brought into commercial operation in the amount and time sought, the reliability of Peninsular Florida's electric supply system will be less than if the Project is built as planned and proposed. Moreover, if the Project is not constructed and brought into commercial operation in the amount and time sought, the overall cost of power in Peninsular Florida will be greater than if the Project is built as planned and proposed. Finally, if the Project is not constructed and brought into commercial operation in the amount and time sought, environmental pollution from electricity generation in Florida will be greater than if the Project is built as planned and proposed.

14. Based on the resolution of the foregoing issues, should the petition of the UCNSB and Duke New Smyrna for determination of need for the New Smyrna Beach Power Project be granted?

UCNSB/Duke New Smyrna: Yes.

Respectfully submitted this 4 th day of September, 1998.



Robert Scheffel Wright  
Florida Bar No. 966721  
John T. LaVia, III  
Florida Bar No. 853666  
LANDERS & PARSONS, P.A.  
310 West College Avenue (ZIP 32301)  
Post Office Box 271  
Tallahassee, Florida 32302

Attorneys for the Utilities Commission,  
City of New Smyrna Beach, Florida,

and

Duke Energy New Smyrna Beach Power  
Company Ltd., L.L.P.

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 981042-EU**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 4th day of September, 1998:

Leslie J. Paugh, Esquire\*  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gunter Building  
Tallahassee, Florida 32399

  
Attorney

000172