

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Duke Energy New)
Smyrna Beach Power Company, L.L.P.)
for Declaratory Statement Concerning)
Eligibility To Obtain Determination)
of Need Pursuant to Section 403.519,)
Florida Statutes)

DOCKET NO. 77446-EI

FILED: November 4, 1997

REQUEST TO ADDRESS THE COMMISSION

Duke Energy New Smyrna Beach Power Company, L.L.P. ("Duke New Smyrna" or "Duke"), pursuant to Commission Rules 25-22.058 and 25-22.022(3), Florida Administrative Code, hereby respectfully requests the opportunity to address the Commission for the purpose of explaining Duke's positions and answering the Commission's questions with respect to Duke's Petition for Declaratory Statement filed simultaneously herewith.

While Duke New Smyrna is not requesting oral argument per se, in that the discussion need not be adversarial and argumentative, Duke New Smyrna suggests that its Petition raises significant issues with respect to the statutory basis for, and policy implications of, granting competitive wholesale "merchant" power producers, such as Duke New Smyrna, access to the Commission's need determination process pursuant to Section 403.519, Florida Statutes. Accordingly, Duke New Smyrna believes that its participation in the Commission's discussion of its Petition will assist the Commission in comprehending and evaluating the issues raised therein.

DOCUMENT NUMBER-DATE

11024 NOV-45

FPSC-RECORDS/REPORTING

WHEREFORE, Duke New Smyrna Beach Power Company, L.L.P. respectfully requests the Commission to GRANT this request to address the Commission on the issues raised by its Petition for Declaratory Statement filed simultaneously herewith.

Respectfully submitted this 4th day of November, 1997.



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