

750 502 111

**PROOF OF PUBLICATION**

RECEIVED FPSC

93 AUG -3 PM 3:27

RECORDS AND REPORTING

**STATE OF FLORIDA,  
COUNTY OF OSCEOLA**

Before me, the undersigned authority, personally appeared Dan L. Autrey, who on oath says that he is General Manager of the Osceola News-Gazette, a twice weekly newspaper published at Kissimmee, in Osceola County, Florida; that the attached copy of the advertisement was published weekly in the regular and entire edition of said newspaper in the issues of:

7/30/98 News-Gazette  
Wednesday  
Docket No. 980802 FEM

Affiant further says that the Osceola News-Gazette is a newspaper published in Kissimmee, in said Osceola County, Florida, and that the said newspaper has heretofore been continuously published in said Osceola County, Florida, each week and has been entered as periodicals postage matter at the post office in Kissimmee, in said Osceola County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG Richard Keating
- LIN \_\_\_\_\_
- OP \_\_\_\_\_
- PR \_\_\_\_\_
- SE 1
- WAS \_\_\_\_\_
- OTH Marian E. Lee

DOCUMENT NUMBER - DATE

08135 AUG -3 98

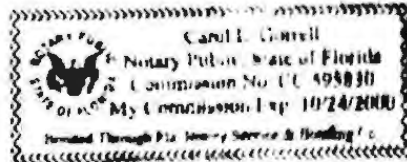
FPSC-RECORDS/REPORTING

Dan L. Autrey

Sworn to and subscribed before me by Dan L. Autrey, who is personally known to me, this 30<sup>th</sup> day of

July 19 98

Carol L. Gbrrell  
Carol L. Gbrrell  
(N.P. Seal)



STATE OF FLORIDA

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



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

## Public Service Commission

(VIA FAX NO. 407-846-8516)

July 27, 1998

Kelly Jenkins  
Osceola News-Gazette  
P. O. Box 422068  
Kissimmee, Florida 34742

**Re: Publication of notice of hearing concerning Docket No. 980802-EM**

Dear Kelly:

Attached is a notice for publication as a quarter-page display ad in the **Thursday, July 30, 1998**, edition of the *Osceola News-Gazette*.

The bill for publication of the notice should be sent to our Division of Administration (Attn: Fiscal Section) at the address printed below. The proof of publication should be sent directly to me.

Please fax a copy of the notice to me for proofing before it is published. My fax number is 850-413-7118.

Sincerely,

A handwritten signature in blue ink that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records

cc: Docket File 980802-EM  
Cochran Keating, Division of Legal Services

DOCUMENT NO.    DATE  
08135-98    2/16/10  
TPSC - COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
NOTICE OF NEED DETERMINATION HEARING AND PREHEARING CONFERENCE  
ON PROPOSED ELECTRICAL POWER PLANT

TO

KISSIMMEE UTILITY AUTHORITY  
FLORIDA MUNICIPAL POWER AGENCY

AND

ALL OTHER INTERESTED PERSONS

DOCKET NO. 980802-EM

IN RE: PETITION TO DETERMINE NEED FOR CANE ISLAND POWER  
PARK UNIT 3 AND RELATED FACILITY IN OSCEOLA COUNTY BY  
KISSIMMEE UTILITY AUTHORITY AND FLORIDA MUNICIPAL POWER  
AGENCY.

ISSUED: July 30, 1998

NOTICE is hereby given that the Florida Public Service Commission will hold a public hearing in the above docket at the time and place listed below. All persons who wish to be heard are urged to be present at the beginning of the hearing on September 17, 1998.

9:30 a.m., Thursday, September 17, 1998\*  
Commission Hearing Room 148  
The Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

\*Friday, September 18, 1998, has been reserved for continuation of the hearing, if necessary. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

Any person requiring some accommodation at the hearing or the prehearing conference because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least 48 hours prior to the hearing or prehearing conference. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

①

PURPOSE AND PROCEDURE

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.501-519, Florida Statutes, for the construction of a power plant and related facilities in Osceola County, Florida. This proceeding shall allow the Kissimmee Utility Authority and the Florida Municipal Power Agency to present evidence and testimony in support of their petition for a determination of need for their proposed plant and related facilities in Osceola County, Florida; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes, Section 403.519, Florida Statutes, Chapter 25-22, Florida Administrative Code, and Chapter 28-106, Florida Administrative Code.

Under Section 403.519, Florida Statutes, the Commission is the sole forum for the determination of need for the electrical power plant and associated facilities. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. The Commission must also expressly consider the conservation measures taken by or reasonably available to the petitioners which might mitigate the need for the proposed plant, and other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the Osceola County facility shall create a presumption of public need and necessity and shall serve as the Commission's report as required by Section 403.507(2)(a)(2), Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the power plant and its associated facilities will be heard at the September 17-18, 1998, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present testimony regarding the need for the proposed plant and associated facilities. All members of the public who wish to offer testimony should be present at the beginning of the hearing. All witnesses will be sworn and will be subject to cross-examination at the conclusion of their testimony.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0870  
Re: Docket No. 980802-EM

Anyone wishing to become a party to the need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code with the Director of the Commission's Division of Records and Reporting at the address listed above. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

#### GENERAL LOCATION AND PROJECT DESCRIPTION

The proposed electric power plant is estimated to produce 250 MW of electricity and is to be located at the existing Cane Island Power Park site in Osceola County, Florida. The proposed unit consists of a combustion turbine generator, heat recovery steam generator, steam turbine generator, and associated facilities. The in-service date for the proposed unit is estimated to be June 1, 2001.

#### PREHEARING CONFERENCE

A prehearing conference will be held at the following time and place:

1:30 p.m., Monday, August 31, 1998  
Room 148, The Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

The purpose of this prehearing conference will be to consider: (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid

unnecessary proof; (4) the identification of exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

JURISDICTION

Jurisdiction over this determination of need is vested in the Commission by Chapter 366 and Section 403.519, Florida Statutes. This proceeding will be governed by the provisions of Chapter 120, Florida Statutes, as well as Chapter 25-22 and Chapter 28-106, Florida Administrative Code.

APPLICATION

A copy of the Petition to Determine Need and supporting exhibits are available for public inspection during normal business hours at the following location:

Florida Public Service Commission  
Division of Records and Reporting  
Room 110, Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

BY DIRECTION of the Florida Public Service Commission, this 30th day of July, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

(S E A L)

4

From: Kay Flynn  
To: Cochran Keating  
Subject: fwd: 980802

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===NOTE=====7/27/98=10:08am==

Cochran, I have arranged for publication of this notice in the Thursday 7/30 edition of the Osceola News-Gazette. I compared readership between this paper and the Osceola edition of the Orlando Sentinel before deciding to go with the N-G. N-G is a Thursday/Saturday paper with a circulation of 29,500 and readership of 2.5 times that number, or 73,750. The Sentinel's readership in Osceola County is 16,100. The N-G won hands down. Their Thursday paper is mostly news and business, while their Saturday paper is more arts, entertainment, leisure. Thus I am going with the Thursday edition. Does this sound okay to you? Kay

Fwd=by:=Cochran=Keati=7/27/98=10:35am==  
Fwd to: Bob Elias  
CC: Kay Flynn

.....  
Sounds good to me. Bob, what do you think?

Fwd=by:=Bob=Elias=====7/27/98=11:21am==  
Fwd to: Cochran Keating, Kay Flynn  
.....  
Sounds fine. Go for it.

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PROOF OF PUBLICATION

FROM

# Osceola News-Gazette

Kissimmee, Florida  
OSCEOLA COUNTY

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In the Matter of

State of Fla / Public Serv.  
Att: Paul Flynn  
2540 Shumard Oak Blvd.  
Capital Cr. Office Bldg  
Tallahassee, FL 32399

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Filed	day of	19
First Publication		19
Last Publication		19

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Make Remittance to Osceola News-Gazette  
Kissimmee, Florida





**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
NOTICE OF NEED DETERMINATION HEARING AND PREHEARING  
CONFERENCE ON PROPOSED ELECTRICAL POWER PLANT**

**to  
KISSIMMEE UTILITY AUTHORITY, FLORIDA MUNICIPAL POWER AGENCY**

**AND  
ALL OTHER INTERESTED PERSONS  
BUCKET NO. 98002-EM**

**IN RE: PETITION TO DETERMINE NEED FOR CANE ISLAND POWER PARK  
UNIT 3 AND RELATED FACILITY IN OSCEOLA COUNTY BY KISSIMMEE UTILITY  
AUTHORITY AND FLORIDA MUNICIPAL POWER AGENCY.**

**ISSUED: July 30, 1998**

NOTICE is hereby given that the Florida Public Service Commission will hold a public hearing in the above docket at the time and place listed below. All persons who wish to be heard are urged to be present at the beginning of the hearing on September 17, 1998.

9:30 a.m., Thursday, September 17, 1998\*  
Commission Hearing Room 148  
The Betty Easley Conference Center  
4075 Bayshore Way  
Tallahassee, Florida

\*Friday, September 18, 1998, has been reserved for continuation of the hearing, if necessary. The starting time of the next day's session will be announced at the conclusion of the prior day. The hearing may be adjourned early if all testimony is concluded.

Any person requiring some accommodation at the hearing or the pre-hearing conference because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing or prehearing conference. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

**PURPOSE AND PROCEDURE**

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.301-319, Florida Statutes, for the construction of a power plant and related facilities in Osceola County, Florida. This proceeding shall allow the Kissimmee Utility Authority and the Florida Municipal Power Agency to present evidence and testimony in support of their petition for a determination of need for their proposed plant and related facilities in Osceola County, Florida; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes, Section 403.519, Florida Statutes, Chapter 25-22, Florida Administrative Code, and Chapter 28-106, Florida Administrative Code.

Under Section 403.519, Florida Statutes, the Commission is the sole forum for the determination of need for the electrical power plant and associated facilities. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. The Commission must also annually consider the conservation measures taken by or reasonably available to the petitioners which might mitigate the need for the proposed plant, and other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the Osceola County facility shall create a presumption of public need and necessity and shall serve as the Commission's report as required by Section 403.507 (2) (a) (2), Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the power plant and its associated facilities will be heard at the September 17-18, 1998, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present testimony regarding the need for the proposed plant and associated facilities. All members of the public who wish to offer testimony should be present at the beginning of the hearing. All witnesses will be sworn and will be subject to cross-examination at the conclusion of their testimony.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0870  
Re: Docket No. 98002-EM

Anyone wishing to become a party to the need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code with the Director of the Commission's Division of Records and Reporting at the address listed above. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.301(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

**GENERAL LOCATION AND PROJECT DESCRIPTION**

The proposed electric power plant is estimated to produce 230 MW of electricity and is to be located at the existing Cane Island Power Park site in Osceola County, Florida. The proposed unit consists of a combustion turbine generator, heat recovery steam generator, steam turbine generator, and associated facilities. The in-service date for the proposed unit is estimated to be June 1, 2001.

**PREHEARING CONFERENCE**

A prehearing conference will be held at the following time and place:  
1:30 p.m., Monday, August 31, 1998  
Room 148, The Betty Easley Conference Center  
4075 Bayshore Way  
Tallahassee, Florida

The purpose of this prehearing conference will be to consider: (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

**JURISDICTION**

Jurisdiction over this determination of need is vested in the Commission by Chapter 306 and Section 403.519, Florida Statutes. This proceeding will be governed by the provisions of Chapter 120, Florida Statutes, as well as Chapter 25-22 and Chapter 28-106, Florida Administrative Code.

**APPLICATION**

A copy of the Petition to Determine Need and supporting exhibits are available for public inspection during normal business hours at the following location:

Florida Public Service Commission  
Division of Records and Reporting  
Room 110, Betty Easley Conference Center  
4075 Bayshore Way  
Tallahassee, Florida

BY DIRECTION of the Florida Public Service Commission, this 20th day of July, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

(SEAL)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
DIVISION OF RECORDS AND REPORTING  
CASE NO. 98002-EM**

**KISSIMMEE UTILITY AUTHORITY, FLORIDA MUNICIPAL POWER AGENCY**

**AND  
ALL OTHER INTERESTED PERSONS  
DOCKET NO. 98002-EM**

**IN RE: PETITION TO DETERMINE NEED FOR CANE ISLAND POWER PARK  
UNIT 3 AND RELATED FACILITY IN OSCEOLA COUNTY BY KISSIMMEE UTILITY  
AUTHORITY AND FLORIDA MUNICIPAL POWER AGENCY.**

**ISSUED: July 30, 1998**

NOTICE is hereby given that the Florida Public Service Commission will hold a public hearing in the above docket at the time and place listed below. All persons who wish to be heard are urged to be present at the beginning of the hearing on September 17, 1998.

9:30 a.m., Thursday, September 17, 1998  
Commission Hearing Room 146  
The Bony Bailey Conference Center  
4075 Splenado Way  
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The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.501-519, Florida Statutes, for the construction of a power plant and related facilities in Osceola County, Florida. This proceeding shall allow the Kissimmee Utility Authority and the Florida Municipal Power Agency to present evidence and testimony in support of their petition for a determination of need for their proposed plant and related facilities in Osceola County, Florida; to permit any intervenor to present testimony and submit concerning this matter; to provide members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

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Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shaward Oak Boulevard  
Tallahassee, Florida 32399-0670  
Re: Docket No. 98002-EM

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**JURISDICTION**

Jurisdiction over this determination of need is vested in the Commission by Chapter 256 and Section 403.519, Florida Statutes. This proceeding will be governed by the provisions of Chapter 120, Florida Statutes, as well as Chapter 25-22 and Chapter 28-106, Florida Administrative Code.

**APPLICATION**

A copy of the Petition to Determine Need and supporting exhibits are available for public inspection during normal business hours at the following location:

Florida Public Service Commission  
Division of Records and Reporting  
Room 146, Bony Bailey Conference Center  
4075 Splenado Way  
Tallahassee, Florida

BY DIRECTOR of the Florida Public Service Commission, this  
20th day of July, 1998.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

(S B A L)