

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.

DOCKET NO. 981042-EM
ORDER NO. PSC-98-1510-PCO-EM
ISSUED: November 13, 1998

ORDER GRANTING PETITION FOR INTERVENTION

BY THE COMMISSION:

Pursuant to Rule 25-22.039, Florida Administrative Code, on November 3, 1998, U.S. Generating Company petitioned for leave to intervene in this proceeding.

Petitioners, Utilities Commission, City of New Smyrna Beach, Florida and Duke Energy New Smyrna Beach Power Company Ltd, L.L.P., did not file a response in opposition to the Petition.

Having considered the pleading, it is hereby

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that the Petition For Leave To Intervene filed by U.S. Generating Company is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Jon C. Moyle, Jr., Esquire, Moyle, Flanigan, Katz,, Kolins, Raymond & Sheehan, 210 South Monroe Street, Tallahassee, Florida 32301, on behalf of U.S. Generating Company

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 13th day of November, 1998.



JOE GARCIA
Commissioner and Prehearing Officer

(S E A L)
LJP

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

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