

ORIGINAL

MEMORANDUM

December 3, 1997

TO: Blanca Bayó, Director, Division of Records and Reporting

FROM: Mary Anne Helton, Associate General Counsel, Division of Appeals *Matt*
 Kenneth Dudley, Engineer IV, Division of Electric and Gas *K.D.*

RE: Docket No. 970898-E.G. - Petition of Lee County for declaratory statement concerning conservation status of electric power and energy produced from Lee County Resource Recovery Facility

On July 17, 1997, Lee County filed a petition for declaratory statement seeking the Commission's opinion as to the applicability of Section 366.82(2), Florida Statutes, and Rule 25-17.0021(1), Florida Administrative Code, to electric capacity and energy produced from its Resource Recovery Facility. The Legal Environmental Assistance Foundation (LEAF) filed a petition to intervene or request for hearing. In addition, Florida Power and Light (FPL) filed a "Memorandum of Law Addressing the Insufficiency of Lee County's Petition." Finally, a member of the Sierra Club National Solid Waste Committee submitted comments concerning Lee County's petition. On November 20, 1997, staff filed its recommendation concerning the petition. Prior to the Commission's scheduled vote on December 2, 1997, Lee County filed a notice of voluntary dismissal on November 26, 1997.

There are no pending issues remaining in this docket that need to be addressed by the Commission, no request for a refund of a filing fee has been made, and no agency action has been taken. Accordingly, pursuant to Administrative Procedures Manual Section 2.07 C. 6. d., this docket can be closed.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1 _____
- WAS _____
- QTH _____

*OK
SPC
12/2/97*

DOCUMENT NUMBER-DATE
 12433 DEC-4 5
 #PSC-REC-45/REPORTING