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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
FILED: NOVEMBER 4, 1998

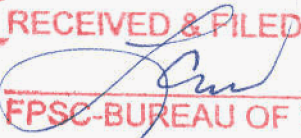
RECORDS AND REPORTING

PETITIONERS' NOTICE OF TAKING DEPOSITION OF
FLORIDA POWER CORPORATION

Petitioners, Utilities Commission, New Smyrna Beach, Florida and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P., pursuant to Uniform Rule 28-106.206, Florida Administrative Code, and Rule 1.310(b)(6), Florida Rules of Civil Procedure, hereby give notice of taking the deposition of Florida Power Corporation ("FPC"), and request that FPC designate a corporate representative to give testimony on the following subjects:

1. the status of merchant power plants in states other than Florida;
2. FPC's, or any of its affiliate's, direct or indirect ownership interests in "qualifying facilities," within the meaning of the Public Utilities Regulatory Policies Act, or in "exempt wholesale generators," within the meaning of the Energy Policy Act of 1992 and the Public Utility Holding Company Act of 1935;
3. retail and wholesale competition in the electric power industry;

ACK _____
 AFA _____
 APP _____
 CAF _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
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 OPC _____
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 SEC 1 _____
 WAS _____
 OTH _____

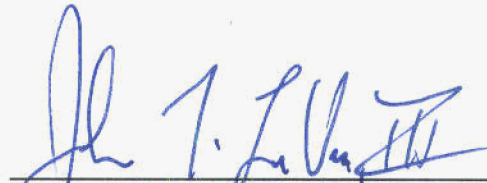
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 FPSC-BUREAU OF RECORDS

4. the status and development of wholesale electric power markets in Florida and in states other than Florida;
5. FPC's and any of its affiliates' involvement in, and participation in, wholesale electric power markets in Florida and in states other than Florida;
6. the impact of the development of merchant plants on stranded costs (and stranded benefits) of (a) FPC and (b) state-regulated, retail-serving utilities generally;
7. the effect of the construction and operation of merchant power plants on FPC's and other retail-serving Florida utilities' obligation to plan for and provide electric service;
8. the effect of the construction and operation of merchant power plants on FPC's and other retail-serving Florida utilities' ability to seek future determinations of need for electrical power plants; and
9. FPC's and any of FPC's affiliates' sales of electric energy, or sales of electric capability and energy, at market-based rates or negotiated rates.

The deposition of FPC's corporate designee will be taken at the Law Offices of Carlton, Fields, et al, 215 S. Monroe St., 5th Floor, Suite 500, Tallahassee, Florida 32301, or at a mutually convenient location on November 13, 1998 at 9:30 a.m., or at another mutually convenient time and place, and will continue from day to day until completed.

This deposition is being taken for purposes of discovery, for use at trial, or for any other purpose allowed under the Florida Rules of Civil Procedure, the Rules of the Florida Public Service Commission, and the Florida Uniform Rules of Procedure.

Please govern yourselves accordingly.



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
Telephone (850) 681-0311
Telecopier (850) 224-5595

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-EM

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 November, 1998:

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

Gail Kamaras, Esquire
LEAF
1114 Thomasville Road
Suite E
Tallahassee, FL 32303-6290

Charles A. Guyton, Esquire*
Steel Hector & Davis
215 South Monroe Street
Suite 601
Tallahassee, FL 32301

Gary L. Sasso, Esquire
Carlton, Fields et al
P.O. Box 2861
St. Petersburg, FL 33733

William G. Walker, III
Vice President, Regulatory Affairs
Florida Power & Light Co.
9250 West Flagler St.
Miami, FL 33174

Lee L. Willis, Esquire
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

William B. Willingham, Esquire
Michelle Hershel, Esquire
FL Electric Cooperatives Assoc., Inc.
P.O. Box 590
Tallahassee, FL 32302

Terry L. Kammer, COPE Director
System Council U-4, IBEW
3944 Florida Blvd., Suite 202
Palm Beach Gardens, FL 33410

Susan D. Cranmer
Asst. Secretary & Asst. Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

John Schantzen
System Council U-4, IBEW
3944 Florida Blvd., Suite 202
Palm Beach Gardens, FL 33410

Jeffrey A. Stone, Esquire
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32576-2950

J. Roger Howe, Esquire
Office of Public Counsel
111 W. Madison Ave., Room 812
Tallahassee, FL 32399-1400



Attorney

000899