

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Florida Power & Light)
Company's proposed merger with Entergy) DOCKET NO. 001148-EI
Corporation, the formation of a Florida)
transmission company ("Florida transco"),) Filed: July 16, 2001
and their effect on FPL's retail rates.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO
FLORIDA MUNICIPAL POWER AGENCY'S PETITION TO INTERVENE**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), hereby respectfully responds to the petition to intervene filed by the Florida Municipal Power Agency ("FMPA"), and states:

1. FMPA alleges in its petition that it "is a wholesale power and wholesale transmission customer of FPL," that "[c]ertain [FMPA members] have transmission facilities that are interconnected with FPL transmission facilities" and that "FMPA utilizes FPL transmission facilities, in addition to its member transmission facilities, to supply wholesale power to its member systems." Petition at ¶4. It further alleges that "[t]he reliability of FMPA's power supply will be directly affected by the Commission's decision as to FPL's participation in GridFlorida" and that the "Commission's proceedings in this docket will affect FPL's decision to participate in GridFlorida which, in turn, will affect FMPA's wholesale power rates and transmission rates, and the terms and conditions of its service from FPL." *Id.* In short, FMPA alleges that it has an interest, as a participant in Florida's wholesale electric market, in the Commission's consideration of the prudence of FPL's involvement with GridFlorida.

2. The FMPA petition also identifies two individuals -- Homer Bryant and Steven McElhaney -- who are alleged to be retail customers of FPL and to be substantially affected by "any

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action the Commission takes in this docket, ... to lower, raise, or leave unchanged FPL's retail rates charged" to them (the "Individual Petitioners"). Petition at ¶3. The petition does not affirmatively state whether the Individual Petitioners wish to intervene in their own right. However, the undersigned counsel has been advised by counsel for FMPA that (a) the Individual Petitioners are employees of FMPA, (b) neither they nor FMPA has an interest in participating in this docket to influence the Commission's decisions on the structure or level of FPL's retail rates, (c) the Individual Petitioners do not wish to participate in this docket so long as FMPA is allowed to participate, and, accordingly, (d) if FMPA is allowed to participate as set forth herein, the Individual Petitioners will withdraw their requests for intervention.

3. As has been the case with respect to other participants in Florida's wholesale electric market that have sought to intervene in this docket, FPL has no objection to FMPA's intervention to protect its interests in the GridFlorida issues. However, as it has done before, FPL reserves its rights to object to FMPA's standing to participate in other issues that FPL believes do not involve FMPA's substantial interests. The undersigned counsel has conferred with counsel for FMPA, who has no objection, for purposes of this proceeding, to FPL's reserving its rights to challenge FMPA's standing to participate on non-GridFlorida issues, with the understanding that, in the event the Commission identifies any non-GridFlorida-related issue that FMPA regards as affecting its substantial interests, each party will have the opportunity to address the question of FMPA's standing with respect to that issue at the time FPL raises its objection.


WHEREFORE, if FMPA is permitted to intervene in this docket in order to protect its alleged interests in GridFlorida issues, FPL respectfully reserves its rights to object to FMPA's standing to participate with respect to non-GridFlorida-related issues and respectfully requests that

the Commission treat the requests for intervention of Homer Bryant and Steven McElhaney as withdrawn.

Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FPL's Response to Reliant Energy Power Generation, Inc.'s Petition to Intervene was served by hand delivery (*) or mailed this 16th day of July 2001 to the following:

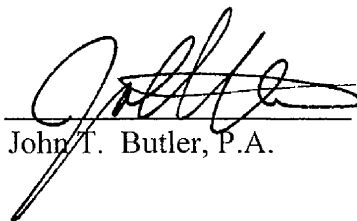
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