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April 19, 2004

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

Re: In re: Petition to Determine Need for Turkey Point Unit 5 Power Plant by
Florida Power & Light Company - Docket No. 040206-EI
Florida Power & Light Company's Preliminary List of Issues

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company (FPL) are an original and seven (7) copies of FPL's Preliminary List of Issues to be filed in the above-referenced docket.

Also included in this submittal is a computer diskette containing FPL's Preliminary List of Issues in Word format. Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

R. Wade Litchfield

RWL:ec
Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's) Docket No. 040206-EI
Petition to Determine Need for)
Turkey Point Unit 5 Electrical Power Plant.) Dated: April 19, 2004
_____)

**FLORIDA POWER & LIGHT COMPANY'S
PRELIMINARY LIST OF ISSUES IN PROCEEDING TO
DETERMINE NEED FOR ELECTRICAL POWER PLANT**

Pursuant to the Order Establishing Procedure in the above-referenced docket, Florida Power & Light Company ("FPL" or the "Company") files with the Florida Public Service Commission (the "PSC" or the "Commission") its proposed issues for determination by the Commission in connection with the proceeding initiated by FPL for an affirmative determination of need for its Turkey Point Unit 5 electrical power plant, and states:

1. The list of issues that must be resolved in this proceeding consistent with the Commission's jurisdiction pursuant to Section 403.519, Florida Statutes, and Rule 25-22.082, Florida Administrative Code ("the Bid Rule"), are, in FPL's view, as follows:
 - (a) Whether there is a need for the proposed Turkey Point Unit 5, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes.
 - (b) Whether there is a need for the proposed Turkey Point Unit 5, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes.

- (c) Whether the proposed Turkey Point Unit 5 is the most cost-effective alternative available, as this criterion is used in Section 403.519, Florida Statutes.
- (d) Whether any conservation measures taken by or reasonably available to FPL might mitigate the need for the proposed electrical power plant.
- (e) Whether FPL satisfied the requirements of Rule 25-22.082, Florida Administrative Code, "Selection of Generating Capacity."
- (f) Given the resolution of the foregoing issues, whether the Commission should grant FPL an affirmative determination of need for Turkey Point Unit 5.

2. FPL's proposed preliminary issues stated above are consistent with the Commission's statement of its obligations in this need case set forth on page 2 of its Notice of Hearing and Prehearing Conference in this docket (issued April 6, 2004). By tailoring its preliminary issues for determination to the statutory criteria and Commission rule, FPL believes its proposed issues comply with the Commission's mandate in the Notice of Hearing and Prehearing Conference, page 2, that "[o]nly issues relating to the need for the power plant and related facilities will be heard at the [] hearing." FPL's proposed issues are broad enough to enable the Commission to collect the necessary data to render an informed decision on FPL's petition for determination of need, while properly limiting the scope of the proceeding to the provisions of Section 403.519 and the Bid Rule.

3. FPL notes that, should the Commission grant the Petition to Intervene of Calpine Energy Services, L.P., filed in this docket, Calpine's list of "disputed issues," if

proposed as preliminary issues, deserve careful review. Many of Calpine's alleged disputed issues are subsumed within the criteria of Section 403.519 and the Bid Rule, as set forth in FPL's proposed preliminary issues. Such matters do not require a discrete "issue" for resolution. Other of Calpine's alleged disputed issues are beyond the scope of Section 403.519 and the Bid Rule and are not germane to resolution of a need determination case. These issues should not become issues in this case. However, should the Commission expand the list of issues in the case beyond those listed in paragraph 1 above, FPL reserves the right to suggest appropriate sub-issues.

WHEREFORE, FPL submits that its proposed preliminary issues listed in paragraph 1 above conform to the statutory and rule criteria, comply with the Commission's Notice of Hearing and Prehearing Conference in this docket and are the proper issues for resolution of this case.

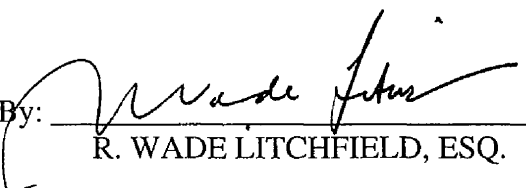
Respectfully submitted this 19th day of April, 2004.

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By: 
R. WADE LITCHFIELD, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Preliminary List of Issues has been hand delivered (*) and have been furnished by United States Mail this 19th day of April, 2004, to the following:

Jennifer Brubaker, Esq.*
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+ Interested Person
++ State Agency
+++ Not Yet a Party (courtesy copy)

By: 
R. WADE LITCHFIELD, ESQ.