

ORIGINAL
RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE

GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

June 21, 2004

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

HAND DELIVERY
RECEIVED-FPSC
JUN 21 PM 1:51
COMMISSION
CLERK

Re: Docket No. 030623-EI

Dear Ms. Bayo:

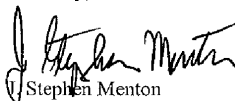
Enclosed for filing in the above-referenced docket on behalf of Florida Power & Light Company ("FPL") are the original and fifteen copies of FPL's Motion for Reconsideration and Clarification of Order No. PSC-04-0591-PCO-EI.

Please acknowledge receipt of these documents by stamping the extra copy of this letter filed and returning the copy to me.

Thank you for your assistance with this filing.

CMP _____
COM 3
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH imp.

Sincerely,


Stephen Menton

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06828 JUN 21 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Complaints by Southeastern Utility Services,
Inc. on behalf of various customers, against)
Florida Power & Light Company concerning)
thermal demand meter error)
_____)

Docket No. 030623-EI

Filed: June 21, 2004

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR RECONSIDERATION
AND CLARIFICATION OF
ORDER NO. PSC-04-0591-PCO-EI**

Florida Power & Light Company ("FPL"), by and through its undersigned counsel, and pursuant to Rule 25-22.0376, Florida Administrative Code, hereby requests reconsideration and clarification of Order No. PSC-04-0591-PCO-EI issued June 11, 2004 by the Prehearing Officer.

In support of this Motion, FPL states as follows:

1. On June 11, 2004, the Prehearing Officer issued Order No. PSC-04-0591-PCO-EI dismissing Southeastern Utility Services, Inc. ("SUST") as a Petitioner in this docket and denying FPL's Motion to Strike.

2. On page 1 of the Order, the Prehearing Officer states in pertinent part:

The Commission opened Docket No. 030623-EI to address complaints made by Southeastern Utility Services, Inc. (SUSI) against Florida Power & Light Company (FPL) on behalf of six commercial retail electric customers connecting 28 individual accounts. The customers who raised issues with their Type IV thermal demand meters were Target Stores, Inc., Dillard's Department Stores, J.C. Penney Corporation, Best Buy Co., Inc., Ocean Properties, Ltd., and The Home Depot, Inc. At the time each of the complaints were made, with the exception of one complaint made by Target on January 24, 2003, for a demand meter with a bent "pusher" point, there was no disagreement that each customer's meter had over-registered demand.

DOCUMENT NUMBER-DATE

06828 JUN 21 3

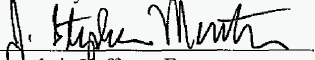
FPSC-COMMISSION CLERK

3. The purpose of a motion for reconsideration or clarification is to bring to the Commission's attention a point of fact or law which was misapprehended or overlooked by, in this case, the Prehearing Officer. Diamond Cab Company v. King, 146 So.2d 889 (Fla. 1962).

4. FPL requests that the Commission clarify the above-referenced passage from the Prehearing Officer's Order. FPL maintains that a meter test was conducted pursuant to Commission Rule 25-6.052, Florida Administrative Code on the 28 meters originally in this docket, and that many of those meters, including some of the fourteen meters which are still at issue as a result of the protest of the PAA Order, did not over-register demand beyond the prescribed tolerance level set forth in Rule 25-6.052(2)(a), Florida Administrative Code.

WHEREFORE, FPL respectfully requests that the Commission reconsider and clarify Order No. PSC-04-0591-PCO-EI as outlined above.

Respectfully submitted,



Kenneth A. Hoffman, Esq.
J. Stephen Menton, Esq.
Rutledge, Ecenia, Purnell & Hoffinan, P.A.
P. O. Box 551
Tallahassee, Florida 32302
Telephone: 850-681-6788
Telecopier: 850-681-6515

-- and --

R. Wade Litchfield, Esq.
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

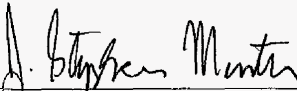
Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy true and correct copy of the foregoing was furnished by Hand Delivery this 21st day of June, 2004, to the following:

Jon C. Moyle, Jr., Esq.
Moyle Law Firm
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301

Cochran Keating, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



A handwritten signature in black ink, reading "J. Stephen Menton", is written over a horizontal line.

J. Stephen Menton, Esq.

FPL/ther:na:reconsideration