

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)
Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 040001-EI

Filed: November 5, 2004

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE
IN OPPOSITION TO JOINT REQUEST FOR ORAL ARGUMENT**

Florida Power & Light Company ("FPL"), by and through its undersigned counsel, and pursuant to Rule 25-22.0376, Florida Administrative Code, responds in opposition to the Joint Request of Thomas K. Churbuck ("Mr. Churbuck") and the Florida Industrial Power Users Group ("FIPUG") for Oral Argument on their Joint Motion for Reconsideration of Order No. PSC-04-1018-PCO-EI ("Joint Motion"), and in support states:

1. In the Joint Request for Oral Argument, Mr. Churbuck and FIPUG assert that oral argument from the parties on the motion for reconsideration will aid the Commission in understanding the important legal and policy issues involved in the dispute. FPL respectfully requests that the Commission exercise its discretion to deny the Joint Request for Oral Argument because oral argument is not necessary or appropriate in order for the Commission to fully consider and dispose of the Joint Motion.

2. Should the Commission grant the Joint Request for Oral Argument, FPL requests the opportunity to orally respond.

WHEREFORE, FPL respectfully requests that the Commission deny the Joint Request of FIPUG and Mr. Churbuck for Oral Argument on its Motion for Reconsideration of Order No. PSC-04-1018-PCO-EI.

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OTH _____

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Respectfully submitted this 5th day of November, 2004.

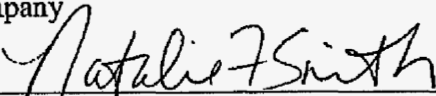
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By: _____



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CERTIFICATE OF SERVICE

Docket No. 040001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and United States Mail this 5th day of November, 2004, to the following:

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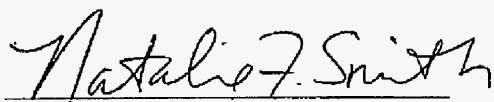
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