

**Ruth Nettles**

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**From:** John\_Butler@fpl.com  
**Sent:** Thursday, February 07, 2008 3:37 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Ralph Jaeger; swright@yvlaw.net; jlavia@yvlaw.net; dtucker@ngnlaw.com; barmstrong@ngnlaw.com  
**Subject:** Electronic Filing for Docket No. 070231-EI / FPL's Response in Opposition to Petition to Intervene of the City of South Daytona Beach, Florida  
**Attachments:** Response to South Daytona Beach Intervention.doc

**Electronic Filing**

**a. Person responsible for this electronic filing:**

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**b. Docket No. 070231-EI**

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company

- c. The document is being filed on behalf of Florida Power & Light Company.**
- d. There are a total of 2 pages, including an attached certificate of service.**
- e. The document attached for electronic filing is Florida Power & Light Company's Response in Opposition to Petition to Intervene of the City of South Daytona Beach, Florida**

*(See attached file: Response to South Daytona Beach Intervention.doc)*

DOCUMENT NUMBER-DATE

00972 FEB-7 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for approval of 2007 )  
revisions to underground residential )  
and commercial distribution tariff, )  
by Florida Power & Light Company )

Docket No. 070231-EI  
Filed: January 7, 2008

**RESPONSE IN OPPOSITION TO PETITION TO INTERVENE OF  
THE CITY OF SOUTH DAYTONA BEACH, FLORIDA**

Pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby respectfully responds in opposition to the Petition to Intervene of the City of South Daytona Beach, Florida (the "Petition to Intervene"). The bases asserted for standing and the proposed issues raised in the Petition to Intervene are virtually identical to those contained in the protest and request for formal proceeding filed by the Municipal Underground Utilities Consortium and the City of Coconut Creek, Florida on November 6, 2007 (the "MUUC Protest"). Intervention should be denied to the City of South Daytona Beach for the same reasons expressed in FPL's motion to dismiss the MUUC Protest, filed on November 20, 2007, which motion is incorporated by reference herein.<sup>1</sup>

Respectfully submitted,

John T. Butler, Esq.  
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By: /s/ John T. Butler  
John T. Butler  
Fla. Bar No. 283479

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<sup>1</sup> FPL recognizes that this response is being filed one day out of time. However, no prejudice could possibly arise from that brief delay, because the Commission is scheduled to rule on FPL's motion to dismiss at the February 12, 2008 agenda conference and the basis for that ruling should control the disposition of the Petition to Intervene in any event.

DOCUMENT NUMBER-DATE  
00972 FEB-7 8  
FPSC-COMMISSION CLERK,

**CERTIFICATE OF SERVICE**  
**Docket No. 070231-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic delivery on the 7<sup>th</sup> day of February, 2008, to the following:

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