

# FOWLER, O'QUINN, FEENEY & SNEED P.A.

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July 13<sup>th</sup>, 2009

## VIA U.S. MAIL

Mr. Bob Coleman  
Regional Director External Affairs  
Florida Power & Light Company  
425 N. Williamson Blvd.  
Daytona Beach, Florida 32114

Mr. Sandy Sanderson  
Manager External Affairs  
Florida Power & Light Company  
9001 Ellis Road  
West Melbourne, FL 32904-1017

Re: Franchise Terms

Dear Mr. Coleman and Mr. Sanderson,

On May 26, 2009, our office sent you a letter requesting a meeting to discuss negotiating a new Franchise Agreement while the existing Agreement is still in effect in order to guarantee a seamless transition for the future. We explained that the City of Cocoa Beach would like to use the existing Franchise Agreement as a starting point and then add additional terms as negotiated. In that letter, the City set out a list of topics for discussion. A copy of that letter is attached to this most recent correspondence.

The City originally asked to begin negotiations in July but due to the delay in receiving requested data and documents, we made our second request for data and information on June 26<sup>th</sup>, 2009, it appears that sometime in late August, 2009 would be more feasible. That would allow the City time to review the requested information.

The City also requested that you designate someone that we could contact to try and schedule this first session. Since sending this request, we have not received any response with regard to a meeting to discuss the City's Franchise Agreement with FP&L or with regard to designating a contact person. We continue to assume that FP&L would like to develop a new franchise agreement with the City and to that end a timely response and designation of a contact person would certainly facilitate this

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process moving forward.

Your time and attention is most appreciated.

Sincerely yours,

A handwritten signature in black ink that reads "James A. Fowler". The signature is written in a cursive style with a large, prominent "J" and "F".

James A. Fowler  
City Attorney, Cocoa Beach

cc: Charles J. Billias; City Manager, City of Cocoa Beach  
A.J. Hutson; Assistant City Manager, City of Cocoa Beach  
Kenneth M. Rubin, Esquire, Senior Attorney FP&L  
Ann Cole, Florida Public Service Commission Clerk