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**ORIGINAL
FILE COPY**

October 5, 1989

Mr. Steve Tribble
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32301

RE: Docket No. 890148-EI

Dear Mr. Tribble:

Enclosed for filing in Docket No. 890148-EI are the original and fifteen copies of Florida Power & Light Company's Response to FIPUG's Request for Official Notice of Order No. 18340.

Very truly yours,

Charles A. Guyton
Charles A. Guyton

CAG:do
Enclosures

cc: Counsel for all parties of record

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG
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- LIN 6
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Florida) Docket No. 890148-EI
Industrial Power Users Group)
to Discontinue Florida Power)
& Light Company's Oil Backout)
Cost Recovery Factor) Filed: October 5, 1989

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO
FIPUG'S REQUEST FOR OFFICIAL NOTICE OF
ORDER NO. 18340**

Florida Power & Light Company ("FPL") hereby responses to FIPUG's Request for Official Notice of Order No. 18340 filed on September 25, 1989.

1. FPL has no objection to FIPUG's request to take official notice of Order No. 18340 or any other Commission Order.

2. FPL strenuously objects to the attempt in FIPUG's Request to yet again modify its argument by suggesting that the allegations in its Petition regarding "FPL's use of the oil backout mechanism to avoid regulatory overview of ROE" is an appropriate consideration in whether or not to retain or terminate the Oil Backout Cost Recovery Factor. At the hearing in this case, the Commission dismissed FIPUG's attempt to terminate the Oil Backout Cost Recovery Factor as lacking a legal foundation. This eleventh hour attempt to resurrect the termination of the Factor by reconstituting or recharacterizing an earlier argument developed for another purpose is entirely

inappropriate. Order No. 18340 has absolutely nothing to do with whether or not the Commission should retain or terminate the Oil Backout Cost Recovery Factor. FIPUG's suggestion or argument to this effect in its September 25th "Request" is inappropriate.

Respectfully submitted,

STEEL HECTOR & DAVIS
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301-1804
Attorneys for Florida Power
& Light Company

By: _____



Charles A. Guyton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Florida)
Industrial Power Users Group)
to Discontinue Florida Power) Docket No. 890148-EI
& Light Company's Oil Backout)
Cost Recovery Factor)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of October, 1989,
a true and correct copy of Florida Power & Light Company's
Response to FIPUG's Request for Official Notice of Order No.
18340 in Docket No. 890148-EI was served by hand delivery* and
by U. S. Mail** on the persons listed below.

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