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**Florida
Power**
CORPORATION

JAMES A. MCGEE
SENIOR COUNSEL

March 31, 1995

Ms. Blanca S. Bayó, Director
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0870

Re: Docket No. 950110-EI

Dear Ms. Bayó:

It has come to our attention that Florida Power Corporation's Motion to Strike, filed on March 24, 1995, contained a clerical error on page 3, paragraph 6. Therefore, enclosed for filing are fifteen copies of the corrected page 3 to be inserted in place the filed page 3.

Thank you for your assistance in this matter.

Very truly yours,

James A. McGee

- ACK
- AFA _____
- APP Netton
- C&F _____
- CMU _____
- CTR _____
- ENG Ballin
- LEG _____
- LIN 5
- CPC _____
- ROH _____
- SEC 1

JAM/jb
Enclosures
cc: Parties of Record

WAS RECEIVED & FILED
OTH _____

[Signature]
FPSC-BUREAU OF RECORDS

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GENERAL OFFICE

Commission Rule 25-22.036(5) ("when a person complains of an act or omission by a person subject to Commission jurisdiction which affects the complainants substantial interest and which is a violation of . . . any Commission rule or order), but such claims are wholly inappropriate in a declaratory statement proceeding.

4. Panda's motion further seeks a show cause order, a procedure which has no place under the Commission's declaratory statement rules.


5. Lastly, Panda's motion raises various issues of material fact, both in the body of its pleading and in its affidavits, which are beyond the scope of a declaratory statement proceeding.

6 In the alternative, if FPC's motion to strike Panda's pleading is denied, FPC requests that it be granted an additional seven-days to answer Panda's extensive pleading. This brief extension of time is warranted in light of FPC's need to answer the many factual and legal issues Panda is raising and attempting to inject into this proceeding. If FPC's motion for a seven-day extension is granted, FPC has no objection to a change in the April 6, 1995 Staff recommendation date, or any other date currently set forth in the Case Assignment and Scheduling Record in this docket.

WHEREFORE, for all of the reasons stated above, FPC respectfully requests that Panda's motion be stricken, or in the alternative, that FPC be granted a seven-day extension of time to answer the motion.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

By 
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement regarding eligibility for Standard Offer contract and payment thereunder by Florida Power Corporation.

Docket No. 950110-EI

Submitted for filing:
March 24, 1995

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power Corporation's Motion to Strike Panda-Kathleen L.P.'s Motion for Declaratory Statement has been furnished to Barrett G. Johnson, Esquire, Johnson & Associates, P.A., P.O. Box 1308, Tallahassee, FL 32302, this 23th day of March, 1995.

Respectfully submitted,

OFFICE OF THE GENERAL COUNSEL
FLORIDA POWER CORPORATION

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