



(407) 625-7241

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February 16, 1996

Ms. Blanco S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RE: **DOCKET NO. 960102-EI**
FLORIDA POWER & LIGHT COMPANY'S MOTION TO DISMISS COMPLAINT

Dear Ms. Bayó:

Please find enclosed a Motion to Dismiss to be filed in the above matter.

If you have any questions regarding this filing, please call me at (407) 625-7241.

Sincerely,

Edward F. Tancer
Attorney

EFT/dag
Enclosures

- ACK
- AFA
- APP
- CAF
- CMU
- CTR
- EAG**
- LEG 1
- LIN
- OPC
- RFH Lynn Fisher

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Glamour)
Industries, Inc. against Florida)
Power & Light Company)
regarding breach of contract.)

DOCKET NO. 960102-EI

Filed: February 20, 1996

FLORIDA POWER & LIGHT COMPANY'S
MOTION TO DISMISS COMPLAINT

FLORIDA POWER & LIGHT COMPANY ("FPL"), pursuant to Rule 25-22.037(2)(a), Florida Administrative Code, files this Motion to Dismiss GLAMOUR INDUSTRIES, INC.'s ("GLAMOUR") Complaint for lack of jurisdiction and states:

1. GLAMOUR has filed a Complaint against FPL pursuant to Rule 25-22.036, Florida Administrative Code and has alleged in its Complaint that FPL breached a contract that expired in 1993 between the two companies.

2. GLAMOUR also alleges in its Complaint that it was excluded from bidding on FPL projects.

3. According to Rule 25-22.036(5), F.A.C., "a complaint is appropriate when a person complains of an act or omission by a person subject to Commission jurisdiction which affects the complainant's substantial interests and which is in violation of a statute enforced by the Commission, or of any Commission rule or order."

4. The Commission does not have jurisdiction over breach of contract actions. Deltona Corporation v. Mayo, 342 So. 2d 510 (Fla. 1977).

5. Furthermore, there are no statutes, Commission rules or orders that dictate which contractors an investor owned utility must invite to bid for its work.

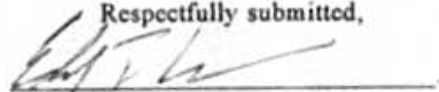
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FPSC-RECORDS/REPORTING

WHEREFORE, FPL hereby requests the Commission dismiss in its entirety the Complaint of GLAMOUR against FPL regarding breach of contract.

Respectfully submitted,



EDWARD F. TANCER
Florida Power & Light Company
11770 U.S. Highway One, Sixth Floor
North Palm Beach, Florida 33408
(407) 625-7241
Florida Bar No. 509159

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 16th day of February, 1996 to Maurice Baum, President, Glamour Industries, Inc., 2848 N. State Road 7, Hollywood, Florida 33021.



EDWARD F. TANCER
Florida Power & Light Company
11770 U.S. Highway One, Sixth Floor
North Palm Beach, Florida 33408
(407) 625-7241
Florida Bar No. 509159

Attorney for Florida Power & Light
Company

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



Records
#960102-E1
DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(904) 413-6199

Public Service Commission

February 15, 1996

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Mr. Maurice Baum, President
Glamour Industries, Inc.
2848 N. State Road 7
Hollywood, Florida 33021

FPSC-RECORDS/REPORTING

Dear Mr. Baum:

Enclosed please find a letter from the Public Service Commission to Florida Power and Light Company advising the company of a management review of its contract bid and procurement procedures.

According to the current timetable, a staff recommendation will be written by April 4, 1996, and a copy shall be forwarded to you. The Commission will address the recommendation at the April 16, 1996, Agenda Conference.

Please feel free to call upon me should you have any questions.

Very truly yours,

Sheila L. Erstling
Senior Attorney

SLE/js

Attachment

cc: Daniel M. Hoppe, Director Research & Regulatory Review
Lisa S. Harvey, Chief Regulatory Review
David Wheeler, Division of Electric & Gas
Nancy Pruitt, Division of Consumer Affairs