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March 26, 1996

ORIGINAL
FILE COPY

BY HAND DELIVERY

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Petition of Jacksonville Electric Authority
to Resolve a Territorial Dispute with
Florida Power & Light Company in St. Johns
County
Docket No. 950307-EU

Dear Ms. Bayo:

Enclosed for filing in the above-styled docket are the
original and fifteen (15) copies of Florida Power and Light's
Motion to Dismiss.

ACK →

AFA _____

APP _____ Please acknowledge receipt and filing of the above by stamping
the duplicate copy of this letter and returning the same to this
writer.

CAF _____

CMU _____ Thank you for your assistance in this matter.

CTR _____

EAG _____

LEG 1 _____

LIN 5 _____

OPC _____

RCH _____ MKL/ddj

SEC 1 _____

WAS _____ Enclosures

cc: All parties of record

OTH _____ RECEIVED & FILED

Sincerely,



Mark K. Logan

RECEIVED & FILED
EPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

03607 MAR 26 1996

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

IN RE: Petition of Jacksonville)
Electric Authority to Resolve a)
Territorial Dispute with Florida)
Power & Light Company in St. Johns)
County)
_____)

DOCKET NO. 950307-EU

Filed: March 26, 1996

FLORIDA POWER AND LIGHT'S MOTION TO DISMISS

Florida Power and Light Company ("FPL"), pursuant to Rule 25-22.037, Fla. Admin. Code, files this Motion to Dismiss Florida Steel Corporation's ("Florida Steel's" or "Petitioner's") Petition and Protest on Proposed Agency Action to Approve a Territorial Agreement and states:

1. On February 14, 1996 the Florida Public Service Commission issued a Notice of Proposed Agency Action Order Approving Territorial Agreement concerning an agreement between FPL and the Jacksonville Electric Authority ("JEA").

2. On March 6, 1996, Florida Steel petitioned the Commission to hold a hearing on the proposed agency action pursuant to Section 120.57, Florida Statutes.

3. Section 120.57 only applies in proceedings where the substantial interests of a party are determined by an agency.

4. Florida Steel has failed to sufficiently allege how its substantial interests will be affected by the Commission's proposed approval of the territorial agreement. Florida Steel has the burden of demonstrating standing. Department of Health and Rehabilitative Services v. Alice P., 367 So. 2d 1045 (Fla. 1st DCA 1979)

DOCUMENT NUMBER-DATE

03607 MAR 26 88

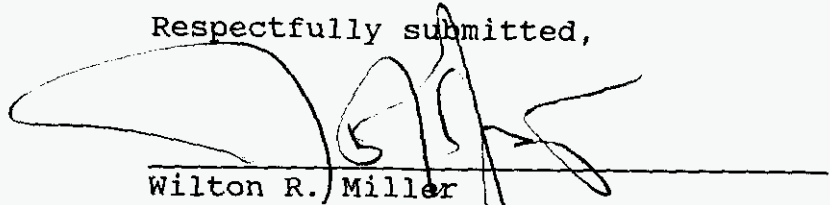
FPSC-RECORDS/REPORTING

5. This Commission has already determined that Florida Steel alleged interests are insufficient to support standing. Florida Public Service Commission Order Denying Intervention, Order Number PSC-96-0158-PCO-EU, February 5, 1996. There, Florida Steel attempted to intervene in this docket pursuant to Rule 25-22.039, Fla. Admin. Code which requires that persons seeking to become parties in a proceeding demonstrate that their substantial interests are subject to determination or will be affected through the proceeding. That standard is essentially the same standard applicable to Florida Steel now that it seeks review of the Commission's proposed agency action pursuant to Section 120.57. Florida Steel has alleged no additional applicable facts which would suggest it now has substantial interests subject to determination in this proceeding.

6. Having failed to demonstrate its substantial interests in the outcome of Commission's proposed agency action, Florida Steel's petition must be dismissed.

WHEREFORE, FPL respectfully requests this Commission dismiss Florida Steel's Petition and Protest on Proposed Agency Action to Approve a Territorial Agreement.

Respectfully submitted,



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and

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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 to the parties listed below on this 26th day of March, 1996

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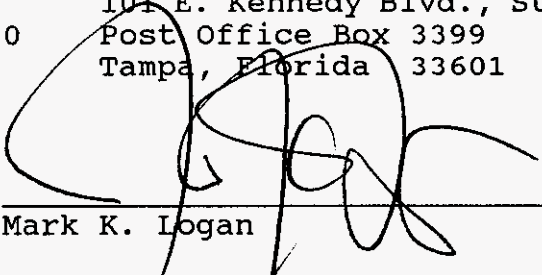
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