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February 12, 1997

ORIGINAL
FILE COPY

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

RE: Docket No. 970022-EU
In re: Petition of Florida Power & Light Company for Enforcement of Order No. 4285 in Docket No. 9056-EU

Dear Ms. Bayó:

Please find enclosed an original and 15 copies of the City of Homestead's Motion to Strike for filing in the above-referenced docket. Please acknowledge your receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to the undersigned.

Thank you for your assistance in this matter.

Sincerely,

Frederick M. Bryant

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EPSC-RECORDS/REPORTING

BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power & Light
Company for Enforcement of
Order No. 4285 in Docket No.
9056-EU.

Docket No. 970022-EU

CITY OF HOMESTEAD'S MOTION TO STRIKE

Comes now the CITY OF HOMESTEAD ("City"), by and through its undersigned attorneys, pursuant to Rule 1.140, Florida Rules of Civil Procedure, and moves to strike the first paragraph of Florida Power & Light Company's Memorandum in Response to the City of Homestead's Motions. FPL's "brief statement as to the background of this matter" is without record foundation and is, in fact, inaccurate and incomplete. At no time did counsel for the City agree, as asserted by FPL, "that no facts were in dispute and that the only issue was whether or not the facilities fell within the exemption granted to the City in Commission Order No. 4285 in Docket No. 9056-EU." In addition, the City was not a party to the meeting whereby "FPL orally notified the Commission, through members of its staff, of the violation of the Commission's Order and inquired as to whether or not the Commission would be interested in filing with FPL a petition in Circuit Court for enforcement of order or a writ of mandamus against the City."

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FPSC-RECORDS/REPORTING

It is inappropriate, immaterial and impertinent that FPL would make such statements in their response and, thus, these statements should be stricken from the Florida Power & Light Company's Memorandum in Response to the City of Homestead's Motion.

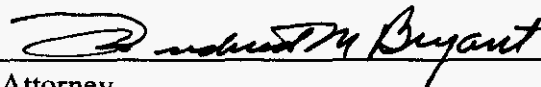


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Attorneys for the City of Homestead

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original and 15 copies of the foregoing City of Homestead's Motion to Strike were filed with **Ms. Blanca S. Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, Room 110, Easley Conference Center, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850**; and that a true and correct copy of the foregoing was furnished by Hand Delivery to **Lorna R. Wagner, Esquire, Division of Legal Services, Florida Public Service Commission, Room 370, Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850**; and that true and correct copies of the foregoing were furnished by regular U.S. mail to **Wilton R. Miller, Esquire, Bryant, Miller and Olive, P.A., 201 South Monroe Street, Suite 500, Tallahassee, FL, 32301**; and **David L. Smith, Esquire, Florida Power & Light Company, P.O. Box 029100, Miami, FL 33102-9100** on this 12th day of February, 1997.



Attorney