

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** February 8, 1999  
**TO:** Blanca S. Bayó, Director, Division of Records & Reporting  
**FROM:** Grace A. Jaye, Attorney, Division of Legal Services  
**RE:** Docket No. 981923-EI - Complaint and Petition of John Charles Heekin Against Florida Power & Light Company

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Attached is a letter dated February 2, 1999, that was received by Commissioner Jacob's office from Mr. R. Wade Litchfield, Esquire. A copy of this letter was also provided by Mr. Litchfield to Mr. Heekin. Please insert this letter into the file for this docket. Thank you.

GAJ/js  
cc: Melinda Butler, Executive Assistant to Commissioner Jacobs  
David Ging, Division of Electric and Gas  
Attachment  
I:\981923r2.gaj

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC   1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
**01593 FEB-89**  
FPSC-RECORDS/REPORTING



FPL

R. Wade Litchfield  
Senior Attorney  
Florida Authorized House Council  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7103 (Facsimile)

Writer's Direct Dial:  
(561) 691-7101

February 2, 1999

VIA U. S. MAIL

John Charles Heekin, Esquire  
Post Office Box 2434  
Port Charlotte, FL 33949-3434

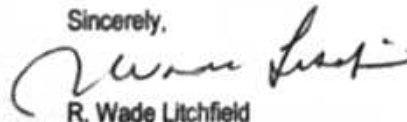
Dear Mr. Heekin:

I received a copy of your letter dated January 25, 1999 in which you allege that I misrepresented to you the basis for my request for an extension of time. It shouldn't surprise you to learn that I disagree with virtually every representation that you made in your letter. While I see no constructive purpose in addressing each and every misstatement in your letter, I have addressed below a couple of the more significant allegations that you make.

If you assert that it is a "bald misstatement" that the parties are "attempting to negotiate a settlement," then I must have misunderstood your intent you when you said that you would be willing to dismiss the civil action against FPL and Michael Foley, one of FPL's field personnel, and also to withdraw your complaint at the Commission, in return for certain consideration from FPL, the terms of which would be inappropriate for me to discuss at this time. I must also have misunderstood your intentions when you agreed that we would talk further about a potential settlement. Further, at no time did I ask you what dollar amount you would agree to accept to dismiss a separate civil action not involving FPL, that you have filed against Sandra Cates.

Your characterization of the civil case involving FPL being over also is not accurate. Indeed, counsel for FPL in that case has informed me that numerous motions, many of which are alluded to by you in your complaint before the Commission, remain outstanding in that proceeding. Further, I am advised that the Judge recently scheduled a status conference to be held on April 14, 1999. In the event that the Judge declines to enforce a settlement between the parties, the terms of which themselves are in dispute, a trial is likely.

Sincerely,



R. Wade Litchfield

RWL/bjw

cc: 