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REGISTERED LIMITED LIABILITY PARTNERSHIP

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RECORDS AND  
REPORTING

ORIGINAL

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Matthew M. Childs, P.A.

February 12, 1999

Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
4750 Esplanade Way, Room 110  
Tallahassee, FL 32399

RE: DOCKET NO. 981390-EI

Dear Ms. Bayó:

Enclosed for filing please find the original and fifteen (15) copies of Florida Power & Light Company's Notice Re: Discovery to FPL in the above-referenced docket.

Very truly yours,

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Matthew M. Childs, P.A.

MMC:ml  
Enclosure  
cc: All Parties of Record

- ACK \_\_\_\_\_
- AEA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 2 \_\_\_\_\_
- LEG 2 \_\_\_\_\_
- LIN 5 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER - DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Investigation Into the )  
Equity Ratio and Return on Equity )  
Of Florida Power & Light Company )  
\_\_\_\_\_ )

DOCKET NO. 981390-EI  
DATE: FEBRUARY 12, 1999

NOTICE RE: "DISCOVERY" TO FPL

By this filing, FPL provides notice of its intent not to respond to the following discovery requests:

- Staff's First Set of Interrogatories to FPL (Nos. 1-13)
- Staff's First Request for Production of Documents to FPL (Nos. 1-17)
- FIPUG's First Request for Production of Documents to FPL (No. 1)
- Coalition's First Set of Interrogatories to FPL (Nos. 1-13)
- Coalition's First Request for Production of Documents to FPL (Nos. 1-25)
- FIPUG's First Set of Interrogatories to FPL (Nos. 1-3)
- FIPUG's Second Request for Production of Documents (Nos. 2-3)
- FIPUG's Second Set of Interrogatories to FPL (No. 4)

In connection with this Notice, FPL points out that Rule 28-106.206, Fla. Admin. Code addresses discovery by parties. Party status is not self-conferred. FPL's January 15, 1999 filing challenging party status has not been addressed and the Commission

has not yet followed the steps set out in Sections (4) and (5) of Rule 28-106.201, Fla. Admin. Code.

In addition, on this date and by separate document, FPL has withdrawn the settlement offer which was addressed by Order No. PSC-98-1748-FOF-EI, (the PAA Order). Therefore, there remains no settlement offer in contention.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP  
Suite 601  
215 South Monroe Street  
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Attorneys for Florida Power  
& Light Company

By:   
Matthew M. Childs, P.A.

CERTIFICATE OF SERVICE  
DOCKET NO. 981390-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice Re: "Discovery" to FPL has been furnished by Hand Delivery (\*), or U.S. Mail this 12<sup>th</sup> day of February, 1999, to the following:

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By:

  
Matthew M. Childs, P.A.