

IN THE SUPREME COURT OF THE STATE OF FLORIDA

FLORIDA POWER CORPORATION,

Appellant,

vs.

Case No. 94,664

JOE GARCIA, etc., et al.,

Appellee.

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**APPELLANT FLORIDA POWER CORPORATION'S RESPONSE
TO MOTION FOR CONSOLIDATION OF APPEALS FOR
PURPOSES OF SCHEDULING, ORAL ARGUMENT, AND DECISION**

Appellant, Florida Power Corporation (FPC), responds to the Motion for Consolidation of Appeals for Purposes of Scheduling, Oral Argument, and Decision filed by Miami-Dade County, Florida (Dade) and Montenay-Dade, Ltd. (Montenay) in case No. 94,664, and states as follows:

1. FPC does not object in concept to this motion under the circumstances existing at this time. The Court should be aware, however, that the procedural postures underlying case No. 94,664 and case No. 94,665 are quite different at the time of this appeal. Among other things, the trial proceedings between FPC and Lake Cogen, Ltd. (Lake), on the one hand, and FPC and Dade and Montenay, on the other hand, have proceeded at disparate paces. While FPC does not believe this precludes consolidation at this time, it reserves the right to request deconsolidation if those different procedural postures become relevant in this appeal.

2. Moreover, any consolidation should recognize that FPC continues to be represented by separate counsel in the

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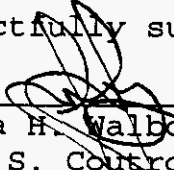
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Montenay/Dade and Lake matters, including these different appeals,¹ and hence will be presenting separate briefs and oral arguments, as its interests may appear.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; Richard C. Bellack, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; John Beranek and Lee L. Willis, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301; John R. Marks, III, Knowles, Marks & Randolph, P.A., 215 South Monroe Street, Suite 130, Tallahassee, Florida 32301; Marilyn E. Culp and Jodi L. Corrigan, Annis, Mitchell, Cockey, Edwards & Roehn, P.A., Post Office Box 3433, Tampa, Florida 33601; Robert Scheffel Wright and John T. LaVia, III, Landers & Parsons, P.A.,

¹While undersigned counsel does not represent FPC in case No. 94,665, it notes that Lake filed a motion to consolidate in this case, in which it is not a party, as well as in case No. 94,665, in which it is a party.

Post Office Box 271, Tallahassee, Florida 32303; and Gail P. Fels, Office of the County Attorney, Dade County Aviation Division; Post Office Box 592075 AMF, Miami, Florida 33159 this 3^d day of May, 1999.



Attorney