



ORIGINAL

January 3, 2000

Florida Public Service Commission
Attn: Ms. Blanca S. Bayo
Director, Division of Records & Reporting
2540 Shumart Oak Blvd
Tallahassee, Florida 32301

991680-EI

Dear Ms. Bayo:

Enclosed please find the Colony's Request for Hearing and Reply to the Affirmative Defenses of FP&L. I would appreciate your filing the documents in the appropriate manner. Copies have been furnished to Kenneth Hoffman, Attorney for FP&L, Grace Jaye, PSC - Legal Services Division, and Elisabeth Draper, PSC - Division of Electric and Gas.

Thank you very much for your cooperation and attention to this matter.

Yours Very Truly,

Marc Mazo
Authorized Representative
The Colony Beach & Tennis Resort

Reply
DOCUMENT NUMBER-DATE
00105 JAN-58

FPSC-RECORDS/REPORTING

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG 1
- LEG 1
- MAS _____
- OPC _____
- RRR _____
- SEC 1
- WAV _____
- GTH _____

Enclosures

Cc: Kenneth Hoffman, Esq
Grace Jaye, Esq
Elisabeth Draper

Motion for Hearing
DOCUMENT NUMBER-DATE
00104 JAN-58

FPSC-RECORDS/REPORTING

STATE OF FLORIDA
BEFORE THE PUBLIC SERVICE COMMISSION

ORIGINAL

THE COLONY BEACH & TENNIS
CLUB, INC.

DOCKET NUMBER 991680-EL

Complainant

V.

Florida Power & Light

Respondent

MOTION FOR HEARING

COMES NOW THE PETITIONER, THE COLONY BEACH & TENNIS RESORT, by and through its undersigned representative, and respectfully requests the Commission set this matter for hearing, and as grounds therefore would state:

1. Resolution of this matter is impractical outside an adjudication to determine the substantial interests of the Colony based on the disputed issues of fact and individual circumstances of this case.

2. The facts asserted by the Colony which give rise to the allegation of over-billing, and which are disputed by FP& include the following: a) that in January 1988 the Colony requested FP&L to assist it in helping reduce energy costs at the Colony by master metering the property and providing service on FP&L's lower rate generally used by other hotels in FP&L's service territory, 2) that FP&L refused such request by the Colony, 3) that at all times material to such request, the Colony held it self out as, operated as, was licensed as, and was legally a "hotel", 4) that the Colony currently holds itself as, is licensed as, and is by legal definition a "hotel".

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3. It cannot be determined whether or not the Colony fell within the expressly stated exception to the individual metering requirement of Rule 25-6.049(5)(a), where hotels, motels, and similar facilities are not required to be individually metered, until a factual determination is made as to the status of the Colony as a hotel. Nor can a violation of Rule 25-6.093(2) FAC or Section 366.03, Florida Statutes be determined without a factual determination of Colony's status as a hotel, and a factual determination of whether the Colony did in fact, request master metering by FP&L in 1988.

WHEREFORE, THE COLONY respectfully requests the Commission grant its motion for hearing in this matter.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a copy of the above and foregoing has been furnished by Facsimile and/or U.S. Mail to the following this 3rd day of January, 2000.

Kenneth A. Hoffman, Esq.
Hoffman, et al. P.A.
P.O. Box 551
Tallahassee, Fl 32302

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Ms Elisabeth Draper Division
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