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August 9, 2000

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

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RECORDS AND REPORTING

Re: DOCKET NO. 000643-EU

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Florida Power and Light Company are the original and fifteen copies of Florida Power & Light Company's Response to Amended Petition for Declaratory Statement.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

J. Stephen Menton
J. Stephen Menton

- APP *Bellak*
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DOCUMENT NUMBER-DATE
10366 AUG 23 00
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Declaratory Statement)
regarding Applicability of Individual Meter)
Rule Exemption in Rule 25-6.049(5)(a)3.,)
Florida Administrative Code, to Valencia)
Area Condominium Association, Inc.)
_____)

Docket No. 000643-EU

Filed: August 23, 2000

**FLORIDA POWER & LIGHT COMPANY'S
RESPONSE TO AMENDED PETITION FOR
DECLARATORY STATEMENT**

Florida Power & Light Company ("FPL"), by and through its undersigned counsel and pursuant to Rules 28-105.003 and 28-106.205, Florida Administrative Code, and Sections 120.569 and 120.57(2), Florida Statutes (1999), hereby files this response to the Amended Petition for Declaratory Statement filed by Valencia Area Condominium Association, Inc. ("Valencia") in the above-referenced docket and states as follows:

1. This docket was opened as a result of a Petition for Declaratory Statement ("Petition") filed by Valencia on May 25, 2000.
2. On June 23, 2000, FPL filed Florida Power and Light Company's Petition to Intervene and Request for Informal Administrative Hearing (the "Request for Hearing") which requested the Commission to conduct an informal administrative hearing to consider and resolve the questions of law raised in Valencia's Petition which potentially affect the substantial interests of FPL.
3. Valencia filed Valencia Area Condominium's Response in Opposition to Florida Power and Light Company's Petition to Intervene and Request for Hearing on July 5, 2000.

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10366 AUG 23 00
FPSC-REGAFFAIRS/REPORTING

4. To date, no ruling has been entered on FPL's Petition to Intervene or the Request for Hearing.

5. On July 28, 2000, Valencia filed an Amended Petition for Declaratory Statement which essentially mirrored the original Petition with some minor changes.

6. FPL hereby responds to the Amended Petition by incorporating and adopting the arguments and positions set forth in FPL's Request for Hearing. The Declaratory Statement sought by the Amended Petition would potentially affect FPL in the manner set forth in the Request for Hearing. In addition, the Amended Petition raises the same issues of law and fact that are delineated in the Request for Hearing. Accordingly, FPL renews its request that the Commission conduct an informal administrative hearing to consider and resolve the questions of law raised by Valencia.

WHEREFORE, FPL respectfully requests that the Commission:

a. Enter an order granting FPL's Petition to Intervene and authorizing FPL to participate with full party rights in this proceeding;

b. Conduct an informal administrative hearing concerning Valencia's allegations that it qualifies for the exemption from the individual metering requirement set forth in Rule 25-6.049(5)(a)3., Florida Administrative Code, based on and without taking a position on the validity of the "facts" alleged in Valencia's Amended Petition for Declaratory Statement; and

c. Enter a final order determining that:

(1) the relief sought by Valencia is not appropriate for a declaratory statement; and

(2) that based on the "facts" alleged in Valencia's Amended Petition, Valencia does not qualify for the exemption from the individual metering requirement set forth in Rule 25-

6.049(5)(a)3., Florida Administrative Code, and is otherwise not eligible for a master meter under Rule 25-6.049(5)(a), Florida Administrative Code.

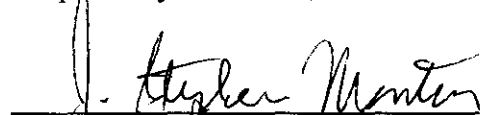
d. Alternatively, should the Commission grant Valencia's Amended Petition for Declaratory Statement based on the "facts" alleged therein, FPL requests that the final order clearly and expressly state that the Commission's determination:

(1) is not based on the validity or invalidity of the "facts" alleged in Valencia's Amended Petition;

(2) has no precedential effect on any subsequent attempt or request by Valencia to secure a master meter from FPL; and

(3) is without prejudice to FPL's legal right to raise disputed issues of material fact and challenge Valencia's request for an exemption from the individual metering requirement set forth in Rule 25-6.049(5)(a), Florida Administrative Code, pursuant to the formal administrative hearing procedures set forth in Sections 120.569 and 120.57(1), Florida Statutes.

Respectfully submitted,



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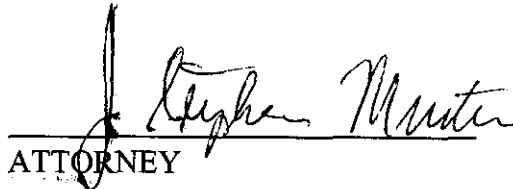
Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U. S. Mail this 23rd day of August, 2000, to the following:

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