

Matthew M. Childs, P.A.

July 24, 2001

-VIA HAND DELIVERY-

Ms. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed please find the original and seven (7) copies of Florida Power & Light Company's Response to Dynegy Inc.'s Renewed Petition to Intervene, along with a diskette containing the electronic version of the document. The enclosed diskette is HD density, the operating system is Windows 98, and the word processing software in which the document appears is WordPerfect 9.

Sincerely,



Matthew M. Childs, P.A.

Enclosures

cc: Counsel of record
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Review of Florida Power & Light)
Company's proposed merger with Entergy) DOCKET NO. 001148-EI
Corporation, the formation of a Florida)
transmission company ("Florida transco"),) Filed: July 24, 2001
and their effect on FPL's retail rates.)
_____)

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE
TO DYNEGY INC'S RENEWED PETITION TO INTERVENE**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), hereby respectfully responds to the Renewed Petition to Intervene (the "Renewed Petition") filed by Dynegy, Inc. ("Dynegy"), and states:

1. On January 5, 2001, Dynegy petitioned to intervene in this proceeding, which at the time did not address issues related to the formation of the GridFlorida Regional Transmission Organization ("GridFlorida"). Dynegy later amended its petition to join an affiliate, Dynegy Midstream Services, L.P., which unlike Dynegy is a retail customer of FPL. In a March 14, 2001, order the prehearing officer granted Dynegy Midstream's intervention, but found that, because it is not a customer of FPL, Dynegy itself had no standing to address the issues before the commission.

2. Subsequently, the docket was expanded to include additional issues related to the formation of GridFlorida. Dynegy's Renewed Petition relates exclusively to issues surrounding the formation of GridFlorida. Dynegy's Renewed Petition alleges that it owns and proposes to build electric generating facilities that interconnect with FPL's transmission system and that its interest in this proceeding relates to the impacts to these facilities from the formation of GridFlorida. Indeed, all of the substantial interests alleged in Paragraphs 5 through 8 of the Renewed Petition relate

specifically to the formation of GridFlorida, as do the disputed issues of material fact set forth in Paragraph 9 of the Renewed Petition.

3. FPL does not object to Dynege's intervention so long as it relates solely to issues arising from the proposed formation of GridFlorida, which appears to be Dynege's only area of interest in this proceeding. FPL cannot definitively tell from Dynege's Renewed Petition, however, whether Dynege intends to participate solely as to such matters, or will seek to address additional issues in the future unrelated to GridFlorida. For the reasons set forth in FPL's February 14, 2001, response to Dynege's and Dynege Midstream's Amended Petition to Intervene, FPL therefore objects to the Renewed Petition to the extent that it attempts intervention on any issue unrelated to the formation of GridFlorida or FPL's participation in GridFlorida. Moreover, FPL reserves its right to object in the future to Dynege's participation in this docket as to any subsequently-identified issue(s) in which Dynege does not have the requisite substantial interest contemplated by *Agrico Chemical Co. v. Dep't of Env. Reg.*, 406 So.2d 478, 481 (Fla. 1st DCA 1981), *rev. denied* 415 So.2d 1359 (Fla. 1982).

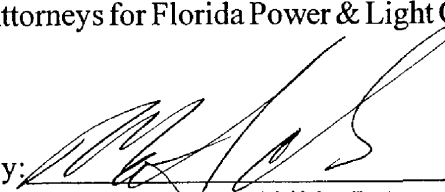
WHEREFORE, FPL respectfully requests that, if Dynege is permitted to intervene, its intervention be limited to issues arising from the proposed formation of GridFlorida in accordance with the Commission's March 14, 2001, order denying Dynege's intervention.

Respectfully submitted,

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By:



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Gabriel E. Nieto

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FPL's Response to Dynegy Inc's Renewed Petition to Intervene was served by hand delivery (*) or mailed this 24th day of July 2001 to the following:

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