

STEEL  
HECTOR  
& DAVIS

ORIGINAL

Steel Hector & Davis LLP  
200 South Biscayne Boulevard  
Miami, Florida 33131-2398  
305.577.7000  
305.577.7001 Fax  
www.steelhector.com

Gabriel E. Nieto  
305.577.7083  
gnieto@steelhector.com

September 14, 2001

VIA FEDERAL EXPRESS

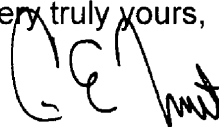
Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399-0850

Re: DOCKET NO. 001148-EI

Dear Ms. Bayó:

Enclosed for filing please find the original and fifteen (15) copies of Florida Power & Light Company's Response to Seminole Electric Cooperative's Petition to Intervene in the above-referenced docket. An electronic copy is provided on a diskette.

Very truly yours,



Gabriel E. Nieto

SFP \_\_\_\_\_  
CAF \_\_\_\_\_ GEN/ps  
CMP \_\_\_\_\_ Enclosure  
COM 5  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG 1  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC 1  
SER \_\_\_\_\_  
OTH done pg

DOCUMENT NUMBER-DATE

11500 SEP 17 2001

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo Rio de Janeiro Santo Domingo  
FPSC-COMMISSION CLERK

**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: September 14, 2001  
and their effect on FPL's retail rates. )  
\_\_\_\_\_ )

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE  
TO SEMINOLE ELECTRIC COOPERATIVE'S  
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 Petition to Intervene (the "Petition") filed by Seminole Electric Cooperative ("Seminole"), and states:

1. In the Petition Seminole alleges that it is a wholesale transmission customer of FPL, and that it relies upon FPL's transmission infrastructure to supply power to its member cooperatives. Petition at ¶¶3-4. Seminole's stated basis for claiming a substantial interest in this proceeding is the allegation that "[t]he issues regarding the prudence of and FPL's participation in [the GridFlorida Regional Transmission Organization] directly and substantially affect Seminole Electric's interests in access to transmission facilities necessary to supply power to its member cooperatives, as well as the reliability, efficiency, and cost of such transmission facilities." Petition at ¶5. Seminole makes no allegation of substantial interest unrelated to the formation of GridFlorida. See Petition at ¶3-6.

2. FPL does not object to Seminole's intervention to the extent that it relates to issues arising from the proposed formation of GridFlorida, which are the only matters raised by Seminole's Petition and appear to be Seminole's only area of interest in this proceeding. FPL reserves its right

DOCUMENT NUMBER-DATE

11500 SEP 17 01

STEEL HECTOR & DAVIS LLP

FPSC-COMMISSION CLERK

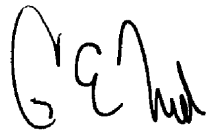
to object later to Seminole's participation in this docket as to any subsequently-identified issue(s) that FPL believes to go beyond the allegations of Seminole's petition or for which Seminole does not have the requisite substantial interest contemplated by *Agrico Chemical Co. v. Dep't of Env. Reg.*, 406 So.2d 478, 481 (Fla. 1<sup>st</sup> DCA 1981), *rev. denied* 415 So.2d 1359 (Fla. 1982). Counsel for FPL has conferred with counsel for Seminole and is authorized to represent that Seminole does not object to FPL reserving its rights with respect to any participation unrelated to GridFlorida.

WHEREFORE, FPL respectfully requests that, if Seminole is permitted to intervene, its intervention be limited at this time to issues arising from the proposed formation of GridFlorida and that the Commission defer decision on Seminole's intervention with respect to any generic, rate-investigation issues until such time as those issues are raised.

Respectfully submitted,

Steel Hector & Davis LLP  
215 South Monroe Street - Suite 601  
Tallahassee, Florida 32301

Attorneys for Florida Power & Light Company

By:   
Matthew M. Childs, P.A.  
John T. Butler, P.A.  
Gabriel E. Nieto

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of FPL's Response to Petition to Intervene of PG&E National Energy Group Company was served by Federal Express (\*) or mailed this 14<sup>th</sup> day of September 2001 to the following:

Robert V. Elias, Esquire\*  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399

Andrews & Kurth Law Firm  
Mark Sundback/Kenneth Wiseman  
1701 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20006

Dynegy Inc.  
David L. Cruthirds  
1000 Louisiana Street, Suite 5800  
Houston, TX 77002-5050

Florida Industrial Power Users Group  
c/o John McWhirter, Jr.  
McWhirter Reeves  
P.O. Box 3350  
Tampa, FL 33601-3350

McWhirter Law Firm  
Joseph McGlothlin/Vicki Kaufman  
117 South Gadsden Street  
Tallahassee, FL 32301

Gray, Harris & Robinson, P.A.  
Thomas A. Cloud/W. Christopher Browder  
P.O. Box 3068  
Orlando, FL 32802-3068

Office of Public Counsel  
Jack Shreve/John R. Howe  
c/o The Florida Legislature  
Tallahassee, FL 32399-1400

South Florida Hospital and Healthcare Association  
Linda Quick  
6363 Taft Street  
Hollywood, FL 33024

By:   
\_\_\_\_\_  
GABRIEL E. NIETO