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December 11, 2001

Charles A. Guyton  
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Blanca S. Bayó, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399

**By Hand Delivery**

**Re: Docket Number 001148-EI**

Dear Ms. Bayó:

Enclosed on behalf of Florida Power & Light Company ("FPL") are the original and seven copies of FPL's and Office of Public Counsel's Agreed Motion To Revise Schedule Set Forth In Order Establishing Procedure.

Also enclosed is a diskette containing a copy of the Agreed Motion. The diskette is a 3.5 inch high density diskette using Microsoft Word 97.

If you have any questions regarding this transmittal, please contact me at 222-2300.

Very truly yours,

*Charles A. Guyton*  
Charles A. Guyton

Enc.

cc: Counsel for Parties of Record

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Review of the retail rates of	)	Docket No. 001148-EI
Florida Power & Light	)	Dated: December 11, 2001
Company.	)	
_____	)	

**FLORIDA POWER & LIGHT COMPANY'S AND  
OFFICE OF PUBLIC COUNSEL'S AGREED MOTION TO REVISE  
SCHEDULE SET FORTH IN ORDER ESTABLISHING PROCEDURE**

Florida Power & Light Company ("FPL") and the Office of Public Counsel ("OPC") hereby move the Commission to revise certain of the Controlling Dates set forth in the Order Establishing Procedure in this docket, Order No. PSC-01-2111-PCO-EI (the "Procedural Order"). If such revisions are adopted by the Commission, OPC agrees to withdraw its Motion for Reconsideration of the Procedural Order, dated November 5, 2001 (the "Motion for Reconsideration") and its Motion Asking Prehearing Officer to Reject FPL's November 9, 2001, MFR Filing, dated November 14, 2001 (the "MFR Motion"), and FPL agrees to withdraw its Response to the Motion for Reconsideration, dated November 15, 2001 (the "Reconsideration Response") and its Response to the MFR Motion, dated November 20, 2001 (the "MFR Response"). The grounds for this motion are as follows:

1. OPC's Motion for Reconsideration objects to the two-week time period between the Procedural Order's deadline for FPL's prefiled testimony and its deadline for intervenor testimony. OPC states that this is not enough time to respond to FPL's testimony. FPL's Reconsideration Response states that FPL does not generally object to providing the intervenors additional time to file their testimony, but that the case schedule in the Procedural Order cannot accommodate as long an extension as OPC requests.

2. OPC's MFR Motion asks the prehearing officer in this docket to reject the revised MFRs that FPL filed on November 9, 2001. OPC states that the revised MFRs were filed after

the MFR deadlines stated in the Procedural Order and that FPL did not timely seek reconsideration of those deadlines. FPL's MFR Response states that the revisions to the MFRs were occasioned by changed circumstances related to the September 11 terrorist attacks and deterioration in the U.S. economy, which FPL brought to the Commission's attention when it filed the original MFRs, that FPL filed the revised MFRs as promptly as possible, and that FPL did not violate or deviate from the MFR deadlines. While not expressly stated in the MFR Motion, one of OPC's principal reasons for objecting to the revised MFRs is the impact that filing them later than the original MFRs has on OPC's preparation of testimony.

3. FPL and OPC have conferred and agreed that revising certain Controlling Dates in the Procedural Order as follows would adequately address their concerns:

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Utility Direct Testimony (ROE expert only)	January 28, 2002	January 18, 2002
Utility Direct Testimony (all other subjects)	January 28, 2002	January 28, 2002
Intervenor Testimony	February 11, 2002	March 4, 2002
Staff Testimony	February 25, 2002	March 4, 2002
Prehearing Statements	February 28, 2002	March 14, 2002
Rebuttal Testimony	March 11, 2002	March 18, 2002
Prehearing Conference	March 14, 2002	March 20, 2002

4. Because adoption of the foregoing changes to the Procedural Order would adequately address OPC's and FPL's scheduling concerns, they agree that the Commission need

not rule upon OPC's Motion for Reconsideration or MFR Motion, or on FPL's Reconsideration Response or MFR Response, if the changes are adopted.

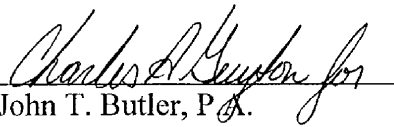
5. FPL has shown this motion to OPC, which has advised the undersigned counsel that it agrees with the terms of the motion and authorizes FPL to file the motion with the Commission.

WHEREFORE, FPL and OPC request that the Controlling Dates in the Procedural Order be revised as set forth above and agree that, upon such revision, OPC will withdraw its Motion for Reconsideration and MFR Motion, and FPL will withdraw its Reconsideration Response and MFR Response.

Respectfully submitted,

R. Wade Litchfield, Esq.  
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By:   
John T. Butler, P.A.  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by hand delivery (\*) or United States Mail this 11<sup>th</sup> day of December, 2001, to the following:

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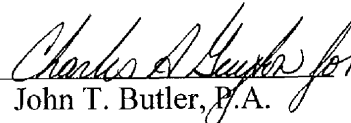
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