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Thomas A. Cloud

February 22, 2002

**FEDERAL EXPRESS**

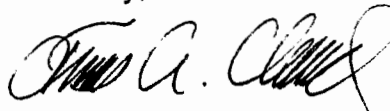
Blanca S. Bayó, Director  
Division of Records and Reporting  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0870

Re: Docket No.: 000824-EI  
Publix Super Markets, Inc.'s, Notice of Filing An Amendment to Its  
Prehearing Statement, Amendment to Its Prehearing Statement and  
Publix Super Markets, Inc.'s Expedited Motion to Compel Florida Power  
Corporation to Answer Interrogatory Numbers 47 and 48

Dear Ms. Bayó:

Enclosed please find (1) a copy of Publix Super Markets Inc.'s, Notice of Filing  
An Amendment to Its Prehearing Statement (2) an original and fifteen (15) copies of  
Amendment to Its Prehearing Statement, and (3) an original and fifteen (15) copies of  
Publix Super Markets, Inc.'s Expedited Motion to Compel Florida Power Corporation to  
Answer Interrogatory Numbers 47 and 48. 02187-02 thru 02189-02

Sincerely,



Thomas A. Cloud, Esquire

GRAY, HARRIS & ROBINSON, P.A.

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Enclosure

cc: All individuals on docketing service list



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Review of Florida Power Corporation's  
Earnings, including effects of proposed  
acquisition of Florida Power Corporation by  
Carolina Power & Light.

DOCKET NO. 000824-EI

Submitted for Filing:  
February 22, 2002

**AMENDMENT TO PHASE II PRE-HEARING STATEMENT  
OF PUBLIX SUPER MARKETS INC.**

**Publix Super Markets, Inc.** ("Publix"), by and through its undersigned counsel, hereby files the following amendment to certain portions of its Phase II Pre-Hearing Statement originally submitted for filing on February 18, 2002 in the above referenced docket to include the following information which was inadvertently omitted:

**A. APPEARANCES**

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**C. EXHIBITS:** In addition to the exhibits identified below, Publix reserves the right to use during cross examination of the FPC's or other parties' witnesses (1) all exhibits identified, produced, or listed by any party in this proceeding, (2) all documents or other tangible information requested or produced by any party to this proceeding in discovery,

and, (3) copies of cases or other legal or administrative precedent relevant to the subject matter being addressed. Publix further reserves the right to introduce testimony from the customer services hearings in this docket as a part of its case in chief.

Exhibit	Witness	Description of Content
Exhibit No. (SLB-1)	Sheree L. Brown	Resume
Exhibit No. (SLB- 2)	Sheree L. Brown	FPC Distribution O&M Expenses
Exhibit No. (SLB- 3)	Sheree L. Brown	FPC Allocated Cost of Service Study Projected 2002 Test Year – FPC Original Base Case 75%/25%
Exhibit No. (SLB- 4)	Sheree L. Brown	FPC Allocated Cost of Service Study Projected 2002 Test Year – Publix Adjusted Case 12CP and 1/13 <sup>th</sup> AD
Exhibit No. (TJK-2)	Theodore J. Kury	Resume
Exhibit No. (TJK- 3)	Theodore J. Kury	FPC Cost of Capital – 13 Month Average
Exhibit No. (TJK- 4)	Theodore J. Kury	DCF Results (Discounted Cash Flows)
Exhibit No. (TJK- 5)	Theodore J. Kury	Restated Vander Weide Schedule 1
Exhibit No. (TJK- 6)	Theodore J. Kury	Restated MFR Schedule D-1

**E. STATEMENT OF ISSUES AND POSITIONS**

**ISSUE 136: What is FPC’s acquisition premium and should any of this amount be borne by ratepayers?**

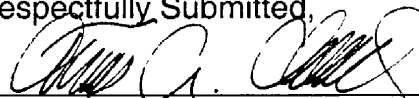
**PUBLIX:** Under applicable caselaw and PSC precedent, the Commission may find that none of FPC’s acquisition premium may be legally recoverable from FPC’s ratepayers. Should the Commission determine that some or all such acquisition premium is recoverable,

then the portion of the Transaction Costs allocated to FPC's retail customers should be \$188.776 million, based on relative estimated merger-related savings. These Transaction Costs should be allocated over a 40 year period at a net of tax interest rate of 4.607%. The amortization of these expenses should end with the onset of retail competition in Florida.

**K. LEGAL ISSUES**

The following are legal issues in this Docket: Issue 122 (whether Commission jurisdiction to recover Grid Florida costs from retail ratepayers); Issue 134 (whether FPC's proposed regulatory treatment of the stock premium paid by Carolina Power & Light to the shareholders of Florida Progress Corporation is a violation of the provisions of section 366.06(1), Florida Statutes); and, Issue 136 (whether any of FPC's acquisition premium should be borne by ratepayers).

Respectfully Submitted,



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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by US Mail to the following parties of record and interested parties, this 22nd day of February, 2002:

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