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March 5, 2002

**FEDERAL EXPRESS**

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

RECEIVED FPSC  
MAR - 5 PM 4: 08  
COMMISSION  
CLERK

Re: Docket No.: 001148-EI  
Publix Super Markets Inc's., Motion for Leave to File Testimony and Exhibits Out of Time

Dear Ms. Bayó:

Enclosed for filing in the above referenced docket, on behalf of Publix Super Markets, Inc., are the original and fifteen copies of Publix Super Markets, Inc.'s Motion for Leave to File Testimony and Exhibits Out of Time.

Thank you for your assistance in connection with this matter.

Sincerely,

  
Peter Antonacci

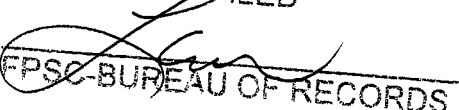
GRAY, HARRIS & ROBINSON, P.A.

PA:gcj

Enclosures

**cc:** All individuals on docketing service list

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 14160473\11 - # 26031.1
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC 1
- OTH \_\_\_\_\_

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DOCUMENT NUMBER-DATE

02566 MAR-5 02

ORLANDO

TAMPA

FPSC COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Review of the retail  
Rates of Florida Power & Light  
Company

DOCKET NO. 001148-EI

Submitted for Filing:  
March 5, 2002

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**PUBLIX SUPER MARKETS, INC.'s MOTION FOR LEAVE TO  
FILE TESTIMONY AND EXHIBITS OUT OF TIME**

Publix Super Markets, Inc. ("Publix"), pursuant to Rule 28-106.204, Florida Administrative Code, moves the Florida Public Service Commission (the "Commission") for leave to file testimony and exhibits one day out of time and, in support thereof, says:

1. Publix Super Markets, Inc's testimony and exhibits were due to be filed on March 4, 2002. Some of the documentation required to be filed was corrupted during electronic file transfer and had to be recreated and assembled by hand. After extraordinary measures on the part of Publix to reassemble the files, the time required to do so prevented Publix from filing the testimony and exhibits with the Office of the Commission Clerk until after 5:00 p.m. on the March 4, 2002 due date.

2. All of the materials were ultimately assembled and sent by overnight delivery to all parties on March 4 as required under the order establishing procedure in this docket and in addition, all documents were also sent to the parties via email on March 4, 2002.

3. Publix respectfully requests that it be permitted to file the testimony and exhibits of its witnesses, Sheree L. Brown, Theodore J. Kury, Patrick Paris, Timothy Fyffe and Neil Laxdal, one day out of time. No party is prejudiced or inconvenienced as all parties were sent the testimony by overnight delivery and e-mail on March 4. All such testimony and exhibits have already been or will be filed concurrently with this motion.

DOCUMENT NUMBER-DATE

02566 MAR-5 2002

FPSC-COMMISSION CLERK

5. The undersigned has made efforts to contact counsel for all parties to this proceeding regarding this motion and states that:

(a) The following parties state that they have no objection to this motion:

- (i) Calpine Eastern
- (ii) Duke Energy North America
- (iii) Dynegy, Inc.
- (iv) Florida Industrial Power User's Group
- (v) NUI Energy, Inc.
- (vi) Office of Public Counsel
- (vii) The Twomeys
- (viii) Mirant Americas Development, Inc.
- (ix) Seminole Electric Cooperative , Inc.
- (x) Commission Staff

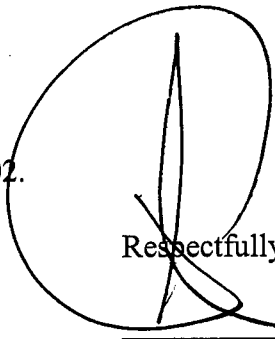
(b) Florida Power and Light Company objects to this motion.

(c) South Florida Hospital and Health Care Association takes no position on this motion.

The remaining parties did not respond or could not be reached prior to filing this motion.

WHEREFORE, Publix respectfully requests leave to file one day out of time its testimony and exhibits of witnesses Sheree L. Brown, Theodore J. Kury, Patrick Paris, Timothy Fyffe and Neil Laxdal.

DATED this 5th day of March, 2002.



Respectfully Submitted,

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Attorneys for Publix Super Markets, Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile and/or U.S. Mail the following parties of record and interested parties, this 5th day of March 2002:

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**Interested Parties:**

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