

STEEL ■  
HECTOR  
■ DAVIS™

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

April 8, 2002

John T. Butler, P.A.  
305.577.2939  
jbutler@steelhector.com

**-VIA HAND DELIVERY-**

Blanca S. Bayó, Director  
Division of Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-08570

**Re: Docket Nos. 020243-TX and 020244-TI**

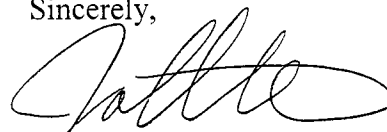
Dear Ms. Bayó:

Enclosed for filing in the above dockets are the original and seven (7) copies of an April 5, 2002, letter from Curtis Wolfe, counsel for Florida Power & Light Company ("FPL"), to Peter Claudy of Florida Copper & Light, Inc. ("FCL") demanding that FCL not use the name "Florida Copper & Light" because it infringes on FPL's trademark interests in the name "Florida Power & Light." Mr. Wolfe's letter also notifies this Commission of its opposition to FCL's applications in the above dockets to provide interexchange telecommunications ("IXC") service and alternative local exchange telecommunications ("ALEC") service.

Also enclosed is a diskette containing the electronic version of Mr. Wolfe's letter. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Sincerely,



John T. Butler, P.A.

RECEIVED-FPSC  
02 APR - 8 AM 11: 10  
COMMISSION  
CLERK

Enclosure  
cc: Counsel for Party of Record (w/encl.)

DOCUMENT NUMBER-DATE

03909 APR-8 8  
Rio de Janeiro Santo Domingo

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Docket Nos. 020243-TX and 020244-TI**

I certify that a copy of the foregoing April 5, 2002, letter from Curtis Wolfe to Peter Claudy was served by U.S. mail on the 8<sup>th</sup> day of April, 2002, to the following persons:

Swidler Berlin Shereff Friedman, L.L.P.  
Richard Rindler/M. Sloan/M. Schunck  
3000 K Street, NW, Suite 300  
Washington, DC 20007-5116

By: \_\_\_\_\_

  
John T. Butler, P.A.

April 5, 2002

**BY FEDEX**

Mr. Peter Claudy  
75 State Street  
Suite 2500  
Boston, MA 02109

**Re: Florida Copper & Light, Inc.'s Application to the Florida Public Service Commission**

Dear Mr. Claudy:

We represent Florida Power & Light Company ("FPL"), a Florida corporation. FPL, as you may know, is a well-established provider of electrical power and other services to some 7.3 million people — nearly half of the state's 16 million population — along the eastern seaboard and the southern portion of Florida. FPL has been using the mark "Florida Power & Light" (the "FPL Mark") in the United States and elsewhere in connection with its services since its foundation in 1925, 77 years ago. Since that time, FPL has established a strong reputation under the mark and has generated strong trademark rights under common law.

It recently came to our attention that on March 15, 2002, Florida Copper & Light, Inc. ("FCL"), a wholly owned subsidiary of Florida Copper & Light Communications, Inc., applied to the Florida Public Service Commission ("FPSC") for authorization to provide interexchange telecommunications ("IXC") service and alternative local exchange telecommunications ("ALEC") service (FPSC Docket Nos. 020243-TX and 020244-TI) under the name "Florida Copper & Light", as a subsidiary of "Florida Copper and Light Communications," (the "Infringing Marks") to Florida residents. We believe that providing services under the Infringing Marks to Florida residents who are FPL's customers would constitute trademark infringement.

The purpose of this letter is to put you on notice that the use or intended use of the Infringing Marks on or in connection with telecommunications services is an infringement of the rights developed by FPL in connection with the FPL Mark. Since the services and marks are

DOCUMENT NUMBER-DATE  
03909 APR-8 8

Mr. Peter Claudy  
April 5, 2002  
Page 2

similar, it is clear that consumers are likely to believe that FCL's services are somehow affiliated or connected with FPL's services.

Accordingly, we must insist that FCL:

1. Voluntarily withdraw the PSC applications for the Infringing Marks;
  2. Change FCL's corporate name to one that does not infringe the FPL Mark;
  3. Cease and desist from further promotion and sale of communications services bearing the Infringing Marks or any other mark confusingly similar to the FPL Mark, if FCL has begun use;
  4. Cancel FCL's registration as a foreign corporation in Florida;
  5. Pay to FPL its attorneys' fees and costs incurred in connection with this matter;
- and
6. Provide samples of all advertising and promotional materials bearing the Infringing Marks for purposes of determining the monetary damages that FPL has suffered.

By copy of this letter, we are hereby notifying the FPSC of FPL's opposition to FCL's applications for certificates to provide IXC and ALEC service in Florida and of FPL's intent to protest any proposed action to approve those applications. We understand that the FPSC is presently scheduled to consider the FCL applications at its April 23, 2002, agenda conference and hereby further advise the FPSC of FPL's intent to oppose the applications at the agenda conference, if FCL does not withdraw them before then.

Failure to comply with these demands, including the demand that FCL withdraw its FPSC applications, will be regarded as evidence of the willful and intentional nature of the infringement, and will greatly increase the likelihood of FPL's taking further legal action against FCL. In order to avoid such legal action, we must receive from FCL assurances of compliance with the above demands no later than April 9, 2002.

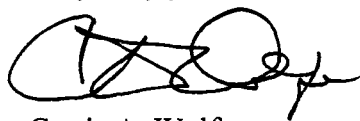
You should be aware that our client has invested considerable time and money in promoting, advertising, and establishing goodwill in the FPL Mark. Please understand that the FPL Mark is a valuable asset of our client and all necessary steps will be taken to protect it. We

STEEL ■  
HECTOR  
■ DAVIS  
INTERNATIONAL™

Mr. Peter Claudy  
April 5, 2002  
Page 3

look forward to receiving your prompt response setting forth the steps FCL intends to take to promptly stop the use of the Infringing Marks.

Very truly yours,



Curtis A. Wolfe

CAW:dma  
cc: Ms. Blanca Bayo,  
Director of the Commission Clerk  
and Administrative Services

MLA2001 96880v1