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April 23, 2002

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

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Re: Docket Nos. 020262-EI and 020263-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company are the original and seven (7) copies of Florida Power & Light Company's Response to Petitions for Leave To Intervene of South Pond Energy Park, LLC.

AUS _____
CAF _____
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COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH _____

*one each
clerk*

If there are any questions regarding this transmittal, please contact me at 305.577.2939.

Very truly yours,

John T. Butler, P.A.

Enclosures

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04426 APR 23 08

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for a determination of need for a power plant proposed to be located in Martin County))))) <hr/>	Docket No. 020262-EI
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In re: Petition of Florida Power & Light Company for a determination of need for a power plant proposed to be located in Manatee County))))) <hr/>	Docket No. 020263-EI Dated: April 23, 2002
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**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO PETITIONS
FOR LEAVE TO INTERVENE OF SOUTH POND ENERGY PARK, LLC**

Florida Power & Light Company ("FPL") hereby responds as follows to the petitions for leave to intervene that South Pond Energy Park LLC ("South Pond") has filed in the above dockets. The grounds for FPL's response are as follows:

1. South Pond alleges that it timely submitted a bid in response to FPL's August 2001 Request for Proposals ("RFP"). Without accepting South Pond's characterization of the RFP process, FPL acknowledges that South Pond was indeed a bidder. Accordingly, FPL has no objection to South Pond's intervening in these dockets to participate in the evaluation of FPL's need-determination petitions consistent with Section 403.519, Florida Statutes, and Rule 25-22.082, Florida Administrative Code. However, two aspects of South Pond's petitions to intervene raise concerns requiring comment.

2. South Pond's petitions to intervene allege "ultimate facts" that FPL strongly disputes. It will be South Pond's burden to prove these alleged "ultimate facts," which FPL is confident South Pond will be unable to do.

3. The prayer for relief in South Pond's petitions to intervene goes well beyond requesting that South Pond be granted intervenor status. That request is covered by Paragraph 1, but the prayer for relief then goes on to ask that, "upon completion of appropriate proceedings," the Commission dismiss or deny FPL's need petitions (Paragraph 2), require FPL to conduct a new, Commission-supervised RFP process (Paragraph 3), and take whatever other actions are necessary to protect FPL's customers (Paragraph 4). While South Pond (unlike earlier prospective intervenors in these dockets) thus has at least recognized that the relief sought in Paragraphs 2-4 would be premature at this time, two of those paragraphs remain problematic. Paragraph 3 appears to seek relief (a Commission-supervised RFP process) that is not available to the Commission under the applicable statutes and rules, and Paragraph 4 is too open-ended to ascertain at this time whether, and to what extent, it seeks improper relief. At this time, the Commission should deny Paragraphs 3 and 4 of South Pond's prayer for relief.¹

WHEREFORE, FPL respectfully requests that, if the Commission grants South Pond

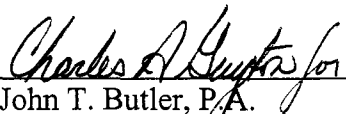
¹ FPL also strongly disagrees with the relief sought in Paragraph 2 (dismissal or denial of FPL's need petitions) but agrees that the Commission's decision on that relief must await the outcome of hearings in this docket. As noted above, FPL is confident that South Pond will be unable to prove the ultimate facts that are the predicate for this relief.

intervenor status in these dockets, the Commission deny Paragraphs 3 and 4 of South Pond's prayer for relief.

Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE
Docket Nos. 020262-EI and 020263-EI

I **HEREBY CERTIFY** that a true and correct copy or courtesy copy (*) of Florida Power & Light Company's Response to Petitions for Leave to Intervene of South Pond Energy Park LLC was served by United States Mail this 23rd day of April, 2002, to the following:

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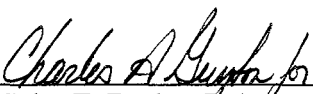
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