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April 29, 2002

D. BRUCE MAY, JR.  
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## VIA HAND DELIVERY

Blanca S. Bayo, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED - FPSC  
02 APR 29 PM 4:41  
COMMISSION  
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Re: In re: Petition to determine need for an electrical power plant in Martin County by Florida Power & Light Company, Docket No. 020262-EI

In re: Petition to determine need for an electrical power plant in Manatee County by Florida Power & Light Company, Docket No. 020263-EI

Dear Ms. Bayo:

On behalf of South Pond Energy Park, LLC ("South Pond") enclosed for filing in the captioned matters are the original and fifteen (15) copies of South Pond's Response to Motions for Protective Order. A diskette containing this filing in Wordperfect format is also enclosed.

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04688 APR 29 02

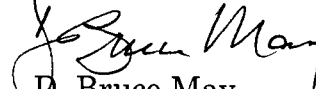
FPSC-COMMISSION CLERK

Blanca S. Bayo  
April 29, 2002  
Page 2

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP



D. Bruce May

DBM:kjg  
Enclosure

cc: Parties of Record  
Mr. R. L. Wolfinger

TAL1 #250517 v1

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to determine  
need for electrical power plant  
in Martin County by  
Florida Power & Light Company

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Docket No. 020262-EI

Filed: April 29, 2002

In re: Petition to determine  
need for an electrical power plant  
in Manatee County by  
Florida Power & Light Company

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Docket No. 020263-EI

Filed: April 29, 2002

**SOUTH POND ENERGY PARK, LLC'S RESPONSE TO  
MOTIONS FOR PROTECTIVE ORDER**

South Pond Energy Park, LLC ("South Pond"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby responds to the Motion of Non-Party AES Coral for Protection Order and Tampa Electric Company's Motion for a Protective Order (collectively the "Motions for Protective Order") and states:

1. AES Coral ("AES") and Tampa Electric Company ("TECO") each have moved the Florida Public Service Commission (the "Commission") for entry of a protective order prohibiting Florida Power & Light Company ("FPL") from disclosing what AES and TECO claim to be proprietary confidential business information contained in their respective responses to FPL's Request for Proposals issued on April 13, 2001 (the "April 13, 2001 RFP").

2. South Pond filed Petitions for Leave to Intervene as a party to these proceedings on April 19, 2002. Although FPL has stated that it does not object to South Pond's intervention in these proceedings, the Pre-Hearing Officer has yet to rule on South Pond's Petitions for Leave to Intervene.

DOCUMENT NUMBER-DATE

04688 APR 29 02

FPSC-COMMISSION CLERK

3. On April 22, 2002, South Pond executed a Confidentiality Agreement with FPL and other intervenors in these proceedings. South Pond, along with FPL and some of the other intervenors, have jointly moved the Pre-Hearing Officer for approval of the Confidentiality Agreement.

4. On April 22, 2002, FPL filed an Emergency Motion to Hold Proceedings In Abeyance to allow for the issuance of a supplemental Request for Proposals. On April 26, 2002, the Pre-Hearing Officer entered an interim order granting FPL's emergency motion and suspending the current procedural schedule in order to "provide FPL the time to conduct a supplemental RFP." See Order No. PSC-02-0571-PCO-EI at 2.

5. FPL issued its supplemental Request for Proposals on April 26, 2002 (the "Supplemental RFP"). At this time, South Pond takes no position regarding the confidentiality of proposals to be submitted in response to the Supplemental RFP.<sup>1</sup>

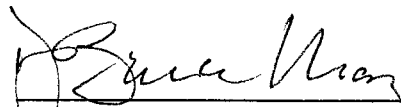
6. South Pond has not served any discovery in these proceedings to date. Moreover, South Pond has no intention to, and will not, request or review responses to the April 13, 2001 RFP submitted by any party or non-party to this proceeding that has not signed the Confidentiality Agreement and consented to the disclosure of its proposal pursuant to the Confidentiality Agreement.

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<sup>1</sup> South Pond, however, notes that the confidentiality of such proposals is an issue that will need to be addressed by the Commission if these need proceedings are resumed on or about July 16, 2002, particularly in light of the request of certain other intervenors that the Commission conduct a proceeding to determine which alternatives, including any self-build options, will best meet the needs of FPL's customers.

7. Accordingly, without conceding the merits of any of the positions asserted in the Motions for Protective Order, South Pond does not object to entry of the protective orders requested by AES and TECO because (i) FPL has issued the Supplemental RFP and (ii) South Pond has no desire or intention to review the proposals submitted by AES and TECO in response to FPL's April 13, 2001 RFP.

Respectfully submitted,



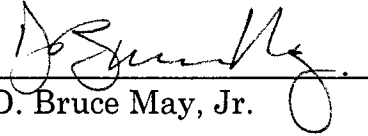
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Karen D. Walker  
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P.O. Drawer 810  
Tallahassee, Florida 32302  
(850) 224-7000

**Attorneys for South Pond  
Energy Park, LLC**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Leave to Intervene was furnished by hand delivery to Martha Brown, Lawrence Harris, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, Jack Shreve, Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, Florida 32301, Charles A. Guyton, Steel, Hector & Davis, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301, Bill Walker, 215 South Monroe Street, Suite 810, Tallahassee, Florida 32301; Joseph A. McGlothlin, McWhirter, Reeves, McGlothlin, Davidson, Decker, Kaufman, Arnold & Steen, P.A., 117 South Gadsden Street, Tallahassee, Florida 32301; Suzanne Brownless, Suzanne Brownless, P.A., 1311 –B Paul Russell Road, Suite 201, Tallahassee, Florida 32301; Robert Scheffel Wright, Diane K. Kiesling, John T. LaVia, III, Landers & Parsons, P.A., 310 West College Avenue, Tallahassee, Florida 32301; and Jon C. Moyle, Jr., Cathy M. Sellers, Moyle, Flanigan, Katz, Raymond & Sheehan, P.A., 118 North Gasden Street, Tallahassee, Florida 32301 and by facsimile to: John T. Butler, Steel Hector & Davis, 200 S. Biscayne Boulevard, Suite 4000, Miami, Florida 33131-2398; Jay Molyneaux, 700 Universe Boulevard, Juno Beach, Florida 33408-0420; Michael G. Briggs, Reliant Energy, Inc., 801 Pennsylvania Avenue, Suite 620, Washington, D.C. 20004; Beth Bradley, Mirant Corporation, 1155 Perimeter Center West, Atlanta, Georgia 30338-5416; Joseph A. Regnery, Senior Counsel, 2701 North Rocky Point Drive, Suite 1200, Tampa, Florida 33607; Carol A. Licko, Hogan & Hartson, LLP, Barclays Financial

Center, 1111 Brickell Avenue, Suite #1900, Miami, Florida 33131; and Lee L. Willis,  
James D. Beasley, Ausley & McMullen, Post Office Box 391, Tallahassee, Florida  
32302 this 29<sup>th</sup> day of April, 2002.

  
D. Bruce May, Jr.

TAL1 #250458 v2