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April 30, 2002

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-VIA HAND DELIVERY-

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

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COMMISSION
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Re: Docket No. 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 Petition to Intervene of CPV Gulfcoast, Ltd., together with a diskette containing the electronic version of same. 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.

Very truly yours,

John T. Butler, P.A.
John T. Butler, P.A.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition to Determine Need for
an Electrical Power Plant in Manatee County
by Florida Power & Light Company**)
)
)
)
_____)

**Docket No. 020263-EI
Dated: April 30, 2002**

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO
PETITION TO INTERVENE OF CPV GULFCOAST, LTD.**

Florida Power & Light Company ("FPL") hereby responds as follows to the petition to intervene that CPV Gulfcoast, Ltd. ("CPVG") has filed in the above docket. The grounds for FPL's response are as follows:

1. Unlike the other entities that have petitioned to intervene in this proceeding, CPVG does not allege that it timely submitted a bid in response to FPL's August 2001 Request for Proposals ("RFP"). Rather, the gist of CPVG's argument for intervention is that it allegedly was misled into not submitting a timely bid by the fact that FPL did not identify Manatee Unit 3 in the RFP as one of the next planned generating units, which CPVG argues was in violation of Rule 25-22.082, F.A.C. (the "Bid Rule"). As FPL has explained in other pleadings in this docket, FPL fully complied with the Bid Rule's requirements for identifying the "next planned generating unit(s)." In any event, not identifying Manatee Unit 3 as a "next planned generating unit" would not confer standing upon CPVG to participate in this proceeding as a bidder. Were FPL to proceed to hearing on its original RFP, FPL would object to CPVG's intervention.

2. Last week, however, FPL decided to issue a supplemental RFP that will identify Martin Unit 8 and Manatee Unit 3 as the "next planned generating unit(s)." The Prehearing Officer has granted FPL's motion to hold proceedings in this docket and in the companion

Docket No. 020262-EI in abeyance until the conclusion of the supplemental RFP process, with the understanding that proceedings in those dockets will recommence if FPL again determines that Martin Unit 8 and Manatee Unit 3 are the most cost-effective available alternatives. Order PSC-02-0571-PCO-EI, dated April 26, 2002. CPVG will have an opportunity to submit a bid in the supplemental RFP process. If CPVG submits such a bid, then FPL will have no objection to CPVG's being granted intervenor status in this docket. Further, FPL has no objection to providing copies to CPVG of any pleadings or other documents that are served on the parties to this docket in the interim.

3. There are three other aspects of CPVG's petition to intervene that raise concerns requiring comment.

4. The "Disputed Issues of Law and Fact" identified in CPVG's petition to intervene focus almost exclusively on alleged deficiencies in FPL's initial RFP process. In view of FPL's decision to issue a supplemental RFP, FPL anticipates that those issues will be rendered moot if and when proceedings recommence in this docket. FPL does not believe it would be productive to debate the proper scope of issues via its response to CPVG's petition to intervene. Rather, FPL reserves the right to challenge CPVG's issues during the issue-identification process in these dockets.

5. CPVG's petition to intervene also alleges "ultimate facts" that FPL strongly disputes. The "ultimate facts" are again focused on alleged deficiencies in FPL's initial RFP process and will be rendered moot if and when proceedings recommence in this docket. In any event, it would be CPVG's burden to prove its alleged "ultimate facts," which FPL is confident CPVG would be unable to do.

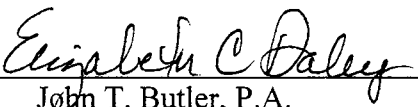

6. Finally, the prayer for relief in CPVG's petition to intervene is inappropriately and insupportably overbroad. It contains four numbered paragraphs. While Paragraph 1 conventionally requests that CPVG be granted intervenor status, Paragraphs 2-4 request relief that extends well beyond granting intervenor status and is premature and unsupported by CPVG's pleadings, much less any evidence. Furthermore, Paragraph 3 has been mooted by FPL's decision to issue the supplemental RFP. Accordingly, the Commission should deny as premature and/or moot Paragraphs 2-4 of CPVG's prayer for relief.

WHEREFORE, FPL respectfully requests that (i) the Commission grant CPVG intervenor status in this docket only if and when CPVG submits a bid in response to FPL's supplemental RFP and (ii) if the Commission grants such intervention, it clarify that the appropriateness of CPVG's "Disputed Issues of Law and Fact" will be considered during the issue-identification process in these dockets, and deny as premature and/or moot Paragraphs 2-4 of CPVG's prayer for relief.

Respectfully submitted,

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By: 
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CERTIFICATE OF SERVICE

Docket No. 020263-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Response to Petition to Intervene of CPV Gulfcoast, Ltd. has been furnished by United States Mail this 30th day of April, 2002, to the following:

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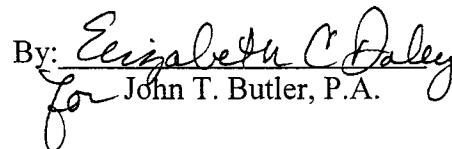
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