

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power and Light Company for a Determination of Need For a power plant proposed to be located In Martin County

Docket No. 020262-EI

In re: Petition of Florida Power and Light Company for a Determination of Need For a power plant proposed to be located In Manatee County

Docket No. 020263-EI

Filed: September 24, 2002

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**FLORIDA PARTNERSHIP FOR AFFORDABLE COMPETITIVE ENERGY'S
OBJECTION TO FPL'S MOTION FOR OFFICIAL RECOGNITION**

Florida Partnership for Affordable Competitive Energy ("PACE"), pursuant to Rule 28-106.204, Florida Administrative Code and Section 120.569(2)(i), Florida Statutes, hereby requests that the Commission enter an order denying Florida Power & Light Company's Motion for Official Recognition. In support, PACE states as follows:

1. On September 17, 2002, FPL filed a motion seeking official recognition of the following four transcripts of prior Commission proceedings:

- a. The transcript of the Special Agenda Conference in *In the Matter of Proposed Amendment of Rule 25-22.081, F.A.C., Contents of Petition; and Proposed Adoption of Rule 25-22.082, F.A.C., Selection of Generating Capacity*, Docket No. 921288-EU, Volume I, Monday, December 6, 1993;
- b. The transcript of the Special Agenda Conference in *In the Matter of Proposed Amendment of Rule 25-22.081, F.A.C., Contents of Petition; and Proposed Adoption of Rule 25-22.082, F.A.C., Selection of Generating Capacity*, Docket No. 921288-EU, Volume II, Tuesday, December 7, 1993;
- c. The transcript of the Agenda Conference in *In Re: Petition By Gulf Power Company for Waiver of Portions of Rule 25-22.082(4)(a), F.A.C., Selection of Generating Capacity*, Docket No. 980783-EI, August 18, 1998; and
- d. The transcript of the Agenda Conference in *In the Matter of Generic Investigation Into the Aggregate Electric Utility Reserve Margins Planned for Peninsular Florida*, Docket No. 981890-EU, Tuesday, July 27, 1999.

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2. It would be inappropriate for the Commission to take official recognition of these transcripts. The Commission has often denied requests for official recognition of transcripts because transcripts do not meet the criteria for official recognition. See, *In re: Complaint of Consolidated Minerals, Inc. against Florida Power & Light Company for failure to negotiate cogeneration contract*, Order No. PSC-92-0076-PCO-EI (denying a request for official recognition of transcript of agenda); *In re: Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S*, Order No. PSC-00-2349-PCO-WS (denying a request for official recognition of a hearing transcript); *In re: Application for a rate increase by General Development Utilities, Inc. (Port Malabar Division) in Brevard County*; *In re: Application for a rate increase by General Development Utilities, Inc. in Charlotte, DeSoto and Sarasota Counties*, Order No. PSC-92-0326-PCO-WS (denying a request for official recognition of an arbitration transcript).

3. The Commission recognized in *Consolidated Minerals* that a transcript of a Commission agenda is not an “official act” of the Commission, nor does it consist solely of “facts not subject to dispute because they are capable of accurate and ready determination by sources of unquestionable accuracy.” *Id.* While an agenda transcript may be an accurate recordation of what was said at the agenda, the facts contained therein are subject to dispute and are not capable of accurate and ready determination by sources of unquestionable accuracy. Therefore, because the transcripts fail to meet the necessary criteria for official recognition, the Commission should deny FPL’s motion.

WHEREFORE Florida Partnership for Affordable Competitive Energy requests that the Commission enter an order denying Florida Power & Light Company's Motion for Official Recognition.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Partnership for Affordable Competitive Energy's Objection to Florida Power & Light Company's Motion for Official Recognition was on this 24th day of September 2002, served via (*) Hand delivery, (**) electronically and U.S. Mail to the following:

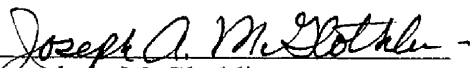
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