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October 14, 2002

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VIA HAND DELIVERY

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

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

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and seven (7) copies of FPL's Response to Florida Partnership For Affordable Competitive Energy's Motion to Strike, 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 222-2300.

Very truly yours,

Charles A. Guyton

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Enclosure
Copy to: Counsel for All Parties of Record

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DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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
_____)	Dated: October 14, 2002

**FLORIDA POWER & LIGHT COMPANY'S
RESPONSE TO FLORIDA PARTNERSHIP FOR
AFFORDABLE COMPETITIVE ENERGY'S
MOTION TO STRIKE**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, Florida Administrative Code, responds as follows to the Florida Partnership For Affordable Competitive Energy's Motion to Strike dated October 11, 2002.

1. PACE is correct in its assertion that Exhibit 9 was not admitted into the record. Tr. 496. However, PACE is incorrect in stating that it was not admitted "because the calculations contained in the exhibit were not supported." The articulated basis for not admitting Exhibit 9 was as follows: "As it relates to some of the information that's contained in Exhibit 9, it's contained elsewhere in the record, so Exhibit 9 will not be admitted into the record." Tr. 496. As FPL understands the ruling, Exhibit 9 was not admitted because part of its calculations were already contained elsewhere in the record; therefore, to avoid cumulative information, Exhibit 9 was not admitted.

2. The basis for the Chairman's ruling is relevant in ruling on PACE's motion to strike, because it appears that PACE is attempting to remove some of the information that was "contained elsewhere in the record."

3. As to the first transcript excerpt PACE seeks to strike - Tr. 474, line 19 through 476, line 12 - this passage explains primarily Exhibit 16 rather than Exhibit 9. It is an exchange

between Dr. Sim and two Commissioners in which Dr. Sim explains why an adjustment made on Exhibit 9 was not made on Exhibit 16. To the extent this dialogue explains Exhibit 16, which has been admitted, it should not be struck.

4. The second passage PACE moves to strike - Tr. 479, line 23 through 480¹, line 7 - clearly should not be struck. In this answer, Dr. Sim is clearly discussing Exhibit 16 that was admitted, not Exhibit 9.

5. Dr. Sim is referring in this passage to “the late-filed exhibit that we just discussed, Commissioners.” Exhibit 9 was not a late-filed exhibit; it was an exhibit introduced and identified during Mr. Silva’s cross examination. Tr. 243-48. Exhibit 16, however, was a late-filed deposition exhibit. Tr. 444. So, when Dr. Sim was referring to “the late-filed exhibit we just discussed,” it had to be a reference to Exhibit 16 rather than Exhibit 9, because Exhibit 16 was a late-filed exhibit and Exhibit 9 was not.

6. This is further confirmed by examining Exhibit 16. Dr. Sim is discussing in the passage PACE seeks to exclude an exhibit that shows moving Martin 8 back to 2006 costs customers \$18 million. Exhibit 16 clearly states on page 1 of 4 “that the Staff requested “Split” plan is approximately \$18 million (CPVRR) **more expensive for FPL customers....**” and on page 4 of 4 that \$18 million of additional cost is shown. Clearly this is the exhibit to which Dr. Sim was referring in the passage PACE seeks to strike. Exhibit 9, the exhibit not admitted, does not have the \$18 million savings Dr. Sim mentions in the passage PACE seeks to strike.

¹ PACE cites page 478 instead of 480, but that appears to be in error, as this is supposed to be the second page, the closing page, in the citation. Thus, FPL assumes the reference to page 478 was meant to be a reference to page 480.

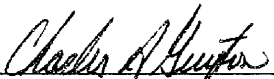
7. Finally, Dr. Sim refers to the exhibit “we were just discussing.” He had just been discussing Exhibit 16 (not Exhibit 9) with Commissioner Deason on the prior three pages of the transcript. Tr. 476, line 14 (“Now back to Exhibit 16.”) - 479, line 4.

WHEREFORE, neither passage that PACE moves to strike should be struck, but it is clear that the second passage PACE seeks to strike clearly refers to Exhibit 16 rather than Exhibit 9 and should not be struck.

Respectfully submitted,

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Attorneys for Florida Power &
Light Company

By: 
Charles A. Guyton
Florida Bar No. 398039

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

I HEREBY CERTIFY that on this 14th day of October 2002, a copy of FPL's Response to Florida Partnership For Affordable Competitive Energy's Motion to Strike was served by hand delivery (*) or electronically (**) and U.S. Mail to the following:

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