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March 21, 2003

Ms. Blanca S. Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

VIA HAND DELIVERY

RECEIVED - FPSC
MAR 21 PM 12:42
COMMISSION
CLERK

Re: Docket No. 030084-EI

Dear Ms. Bayo:

Enclosed herewith for filing on behalf of Florida Power & Light Company ("FPL") are an original and fifteen copies of FPL's Response to Barron Collier Companies' Motion for Leave to File Testimony Out of Time.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me. Thank you for your assistance with this filing.


Sincerely,



Kenneth A. Hoffman

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CAF ___ Enclosures
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

02756 MAR 21 8

FPSC COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Determination of Need for)
Collier-Orange River 230 kV Transmission)
Line in Collier, Hendry, and Lee Counties,)
by Florida Power & Light Company.)
_____)

Docket No. 030084-EI

Filed: March 21, 2003

**FLORIDA POWER & LIGHT COMPANY'S
RESPONSE TO BARRON COLLIER COMPANIES'
MOTION FOR LEAVE TO FILE
TESTIMONY OUT OF TIME**

Florida Power & Light Company ("FPL"), by and through its undersigned counsel, and pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby files this Response to the Motion for Leave to File Testimony Out of Time ("Motion") filed by Barron Collier Companies ("Barron Collier"). This Response is filed subject to the pending Petition to Intervene filed by Barron Collier. In response to Barron Collier's Motion, FPL states as follows:

1. In its Motion, Barron Collier concedes that as a putative intervenor, "Barron Collier is taking the case as it finds it..."¹ However, despite this concession, Barron Collier does not wish to take the case as it finds it. Barron Collier seeks permission to file testimony that was required to be filed on March 12, 2003.²

2. As purported support for permission to file its testimony, Barron Collier inaccurately suggests that FPL somehow failed to provide notice of this proceeding and that Barron Collier was essentially surprised to learn that this proceeding was pending.

3. Barron Collier's accusations belie the facts. The facts are:

¹Barron Collier's Motion at 3.

²See Order No. PSC-03-0275-PCO-EI at 6.

DOCUMENT NUMBER DATE

02756 MAR 21 8

FPSC-COMMISSION CLERK

a. Pursuant to Rule 25-22.075(4), Florida Administrative Code, FPL published notice of the final hearing in this proceeding at least 45 days before the April 8, 2003 final hearing. The notice had been approved by the Commission Staff. FPL's notices of final hearing were quarter-page ads published in local newspapers in areas where the proposed line could be placed, including publication in the Naples Daily News on February 20, 2003. The notices of final hearing and Affidavits of Publication were filed with the Commission on March 5, 2003.

b. The Commission also published notice of the final hearing in this proceeding at least 45 days before the April 8, 2003 final hearing date in the Florida Administrative Weekly, pursuant to Rule 25-22.075(3), Florida Administrative Code.

c. In addition to complying with the legal notice requirements, FPL has implemented an extensive consumer outreach program regarding the new line. FPL held open houses in Lee and Collier Counties on February 12 and 13, 2003, respectively. An additional open house was held in the Naples area on March 11, 2003. Notice of each of the open houses was provided through newspaper advertisements (copy attached as Exhibit A) and individual mailed notices to numerous property owners in the study area. Barron Collier was mailed an individual notice for *the February 12 and 13, 2003*, open houses (copy attached as Exhibit B). The open houses provided a forum for discussion and input concerning FPL's proposal to build a new 230kV transmission line in a new, geographically diverse right-of-way between the Orange River Substation and Collier Substation. The open houses also provided a forum for discussion of the need determination, siting and certification process. Indeed, at all open houses a series of large display boards (each 30 inch x 30 inch) was prominently displayed in the meeting room. One of these large display boards provided highlights of the regulatory approval and construction timeline, including the on-going PSC need

determination process. This entry on the large display board even indicated the approximate time period within which the Commission's decision in the need determination process was anticipated. (A copy of a reduced version of the display board used at the open houses is attached hereto as Exhibit C).

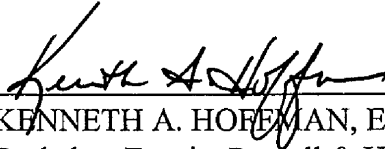
d. FPL also has established a Community Advisory Panel for the purpose of gathering input from potentially affected citizens in Lee and Collier Counties on the transmission line project and potential corridors for the siting of the proposed line.³ A member of the Community Advisory Panel, Vernon Wheeler, was identified by Barron Collier to be their representative on that group. Mr. Wheeler was an active participant at Community Advisory Panel meetings and should have been well aware of the open house schedule.

e. Finally, FPL has provided information about the proposed new line and the approval process to numerous media representatives. As a result, the project has been the subject of several newspaper articles in local newspapers, including an article that appeared in the Naples Daily News in Collier County on November 21, 2002 that specifically referenced the requirement that FPL secure approval of the new line from this Commission. (Copy attached as Exhibit D).

³Barron Collier's Petition to Intervene references FPL's proposed route and potential alternative routes for the 230kv line. See Barron Collier's Petition to Intervene, at ¶7. The ultimate route selected for the new line will be resolved through the site certification process under the Transmission Line Siting Act.

These facts establish that Barron Collier either knew or should have known of the on-going need determination process before the Commission well in advance of the deadline for filing of testimony.

Respectfully submitted,



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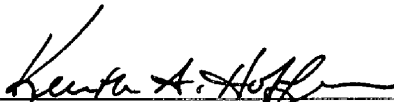
Attorneys for Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by Hand Delivery to the following this 21st day of March, 2003:

Larry Harris, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Room 370
Tallahassee, Florida 32399-0850

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Landers & Parsons, P.A.
310 West College Avenue
Tallahassee, FL 32301



KENNETH A. HOFFMAN, ESQ.

FPL\transmission.response

What do you think? Tell us at our Open House.

Florida Power & Light Company continues to work closely with the community to find a route for a new transmission line. This line will connect our existing Orange River substation east of Fort Myers to the existing Collier substation east of Naples. The new transmission line is needed to serve your area with electric power.

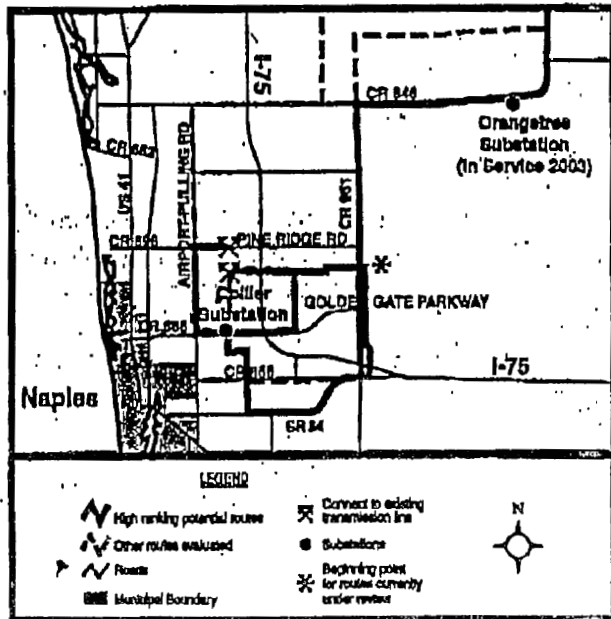
We are still looking into other possible routes in the Collier substation area as well as routes shown during the recent open house events. This further study is due to siting complexities and public comments received.

Routes currently under review

The routes currently under review are shown here on the map and are described as follows:

Beginning from the intersection of Collier Boulevard (CR 951) with FPL's existing transmission line right-of-way just north of Green Boulevard:

- Following FPL's existing transmission line right-of-way west to Santa Barbara Boulevard, following Santa Barbara Boulevard south to Golden Gate Parkway, following Golden Gate Parkway west to Collier substation
- Following FPL's existing transmission line right-of-way (just north of Green Boulevard) west from CR 951 to the FPL transmission line right-of-way at Livingston Road. In addition, from the FPL transmission line right-of-way at Livingston Road/Pine Ridge Road, following Pine Ridge Road west to Airport-Pulling Road, following Airport-Pulling Road south to the existing FPL transmission line right-of-way just north of Golden Gate Parkway, and following that right-of-way east to Collier substation
- Following FPL's existing transmission line right-of-way east across Collier Boulevard, and south, parallel to Collier Boulevard, to SR 84 (Davis Boulevard), following Davis Boulevard west to another of FPL's existing transmission line right-of-way, following that transmission line right-of-way north to Collier substation
- Following Collier Boulevard south to Radio Road (CR 856), following Radio Road west to FPL's existing transmission line right-of-way, following FPL's transmission line right-of-way north to Collier substation
- Following Collier Boulevard south to Davis Boulevard, following Davis Boulevard west to FPL's existing transmission line right-of-way, following FPL's transmission line right-of-way north to Collier substation



When finished, the overhead transmission line will let us continue to meet the electric needs of our area's growing population. It will also help us satisfy the needs of customers who have increased their use of electricity.

FPL wants your participation

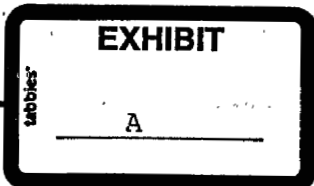
We know that some residents are interested in understanding the process and contributing to the route selection. That's why we're seeking your input before the selection of the route for the proposed new transmission line.

One way you can participate is by joining us at an informal open house event to discuss potential routes for the new power line.

If you have an interest in this project and would like to share information but cannot attend the open house, or you would like to be on the mailing list for any future mailings about this project, we want to hear from you.

Tuesday, March 11, 2003 • 4 p.m. - 7 p.m.
Naples Italian American Club
7035 Airport - Pulling Road, Naples

Please call 1-800-693-3267, visit us online at www.FPL.com and click on "About Us" then "Power Line Projects" and scroll down to "Collier-Orange River Power Line Project", or send an e-mail to cortransmission@FPL.com.



an FPL Group company



February 5, 2003

Dear Friend and Neighbor,

All of us at Florida Power & Light Company appreciate your interest in our plans for a new transmission line to provide for the electrical needs of our Southwest Florida customers. We would like to invite you to an open house to learn more about the proposed transmission line. Two informal, public gatherings have been scheduled for your convenience:

Wednesday, February 12
4 – 7 p.m.
Lehigh Senior High School
801 Gunnery Road, Lehigh Acres

Thursday, February 13
4 – 7 p.m.
Naples Italian-American Club
7035 Airport Road, Naples

We hope you are able to join us any time during the hours listed above to view the displays and exhibits, talk with members of the project team, and share your thoughts about our plans. Maps showing potential routes for the transmission line will be available. If you're unable to attend for any reason, there are a number of ways you can receive information and provide comments:

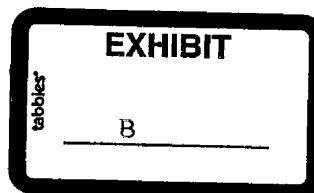
- For information about the project, please call 1-800-693-3267.
- Or, check out our web site at www.fpl.com, and click on "About Us", then "Power Line Projects".
- If you would like to arrange for someone to come and speak to your group or organization, call Grover Whidden at (239) 332-9291.
- Write to us 1813 Lee Street, Fort Myers, FL 33901-3041.
- Send us an email at cortransmission@fpl.com.

Again, we appreciate your interest and look forward to hearing from you at one of the open houses or other means of contact provided above.

Este envío postal contiene información sobre un proyecto de una nueva línea de electricidad en su área. Si usted prefiere recibir la información en español, por favor llame al 1-800-693-3267 para darnos su nombre y dirección postal. Al llamar por favor refierase al Proyecto de Líneas de Collier-Orange River. Gracias.

Sincerely,

Grover M. Whidden
External Affairs Manager



FPL to build new power line in SW Florida

The state's largest utility says it will work with local governments and civic leaders to determine where the backup line will be placed

By LAURA LAYDEN
llayden@naplesnews.com

To get more power to the people, Florida Power & Light Co. plans to build another 36-mile transmission line in Southwest Florida.

The second line is needed to keep up with the region's burgeoning growth, and will provide a backup energy source to local residents, said Mike Haggerty, a spokesman for FPL in Miami.

Like the existing line, the new line will have poles stretching anywhere from 30 to 60 feet in the air, but it won't follow the same route. FPL, the state's largest utility,

plans to work with local governments and civic leaders to come up with the alignment.

"For safety sake it has to be on a different route," Haggerty said. "We have to have a dual system — a backup."

The new line will connect FPL's substation on Golden Gate Parkway to the Orange River substation in Fort Myers.

Parts of the line could be built below ground. However, local communities that want underground lines will have to pay for them. And they don't come cheap.

"It could be millions," Haggerty said. "A transmission line is a huge deal."

To keep up with the region's growth, FPL needs to have a second line in service by December 2005, Haggerty said.

Southwest Florida is one of the fastest growing areas that FPL serves.

Over the last five years, the company has seen a 25 percent growth in customers in Lee County. At the same time, the company's customers in Collier County have grown by 31 percent.

Before it can build the new line, FPL needs to get permits from Lee and Collier counties, as well as from any cities that the line will go through. The company is also required to get approval from the Florida Public Service Commis-

sion and the governor and Cabinet, Haggerty said.

Kevin Bloom, a spokesman for the Florida Public Service Commission, said he hadn't heard of FPL's expansion plans in Southwest Florida.

To get commission approval, FPL has to show that the line is necessary to meet future demand.

Bloom said he was encouraged to hear FPL's plans to work with the local community to determine the route.

"It certainly behooves a company to work with local governments and to negotiate a preferred route," Bloom said. "But our role is only to certify that the need exists."

