

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of changes to existing performance guaranty agreement and for approval of a second performance guaranty agreement, by Florida Power & Light Company.

DOCKET NO. 031074-EI
ORDER NO. PSC-04-0126-PCO-EI
ISSUED: February 9, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On November 25, 2003, Florida Power & Light Company (FPL) filed a petition for approval of changes to its existing Performance Guaranty Agreement tariff and for approval of a new second Performance Guaranty Agreement tariff. We hereby suspend the operation of the proposed tariffs pending further review, pursuant to Section 366.06(3), Florida Statutes. The suspension will provide additional time to adequately review FPL's proposals.

It is therefore,

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed changes to its existing Performance Guaranty Agreement tariff, and its proposed new second Performance Guaranty Agreement tariff are suspended pending further review. It is further

ORDERED that this docket shall remain open.

DOCUMENT NUMBER-DATE

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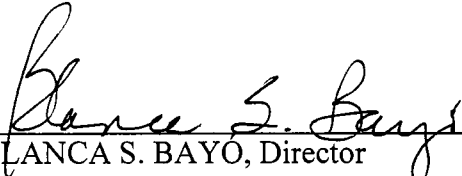
FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 9th day of February, 2004.



BLANCA S. BAYO, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.