

Law Offices

# HOLLAND & KNIGHT LLP

# ORIGINAL

315 South Calhoun Street  
Suite 600  
P.O. Drawer 810 (ZIP 32302-0810)  
Tallahassee, Florida 32301

850-224-7000  
FAX 850-224-8832  
www.hklaw.com

Annapolis	New York
Atlanta	Northern Virginia
Bethesda	Orlando
Boston	Portland
Bradenton	Providence
Chicago	St. Petersburg
Fort Lauderdale	San Antonio
Jacksonville	San Francisco
Lakeland	Seattle
Los Angeles	Tampa
Melbourne	Washington, D.C.
Miami	West Palm Beach
International Offices	São Paulo
Caracas*	Tel Aviv*
Helsinki	Tokyo
Mexico City	
Rio de Janeiro	* Representative Office

May 6, 2004

**D. BRUCE MAY, JR.**  
850-425-5607  
bruce.may@hklaw.com

VIA HAND DELIVERY

Blanca S. Bayo  
Division of Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

RECEIVED-FPSC  
MAY -6 PM 4:28  
COMMISSION  
CLERK

Re: In re: Petition to Determine Need for Turkey Point Unit 5 Electrical Power Plant, by Florida Power & Light Company., Docket No. 040206-EI

Dear Ms. Bayo:

CMP \_\_\_\_\_ Enclosed for filing are the original and seven (7) copies of the Motion for  
COM 5 Protective Order Based on Confidentiality and the Request for Oral Argument  
CTR \_\_\_\_\_ submitted by Southern Power Company ("SPC") in the referenced proceeding.  
ECR \_\_\_\_\_ Pursuant to Florida Administrative Code Rule 25-22.006(4), also enclosed is a  
GCL \_\_\_\_\_ separate, sealed envelope marked "Sealed Confidential Exhibit 2" containing one  
highlighted copy of SPC's confidential Bid Proposals.

OPC \_\_\_\_\_ Also enclosed is a 3.5 inch diskette containing the motion and the request  
MMS \_\_\_\_\_ for oral argument in Word Format.

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SEC 1

OTH +cover ltr.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

05327 MAY-6 04

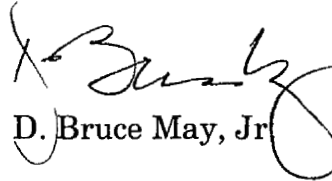
FPSC-COMMISSION CLERK

Blanca Bayo  
May 6, 2004  
Page 2

For our records, please acknowledge your receipt of these filings on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "D. Bruce May, Jr.", written over the typed name below.

D. Bruce May, Jr.

DBM:kjg  
Enclosures

cc: Parties of Record  
Jennifer Brubaker, Esq.  
Office of Public Counsel  
Mark Crosswhite, Esq.  
Murray Weaver  
John Lamberski, Esq.

# 1917370\_v1

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to Determine Need for Turkey  
Point Unit 5 Electrical Power Plant, by Florida  
Power & Light Company.

DOCKET NO. 040206-EI

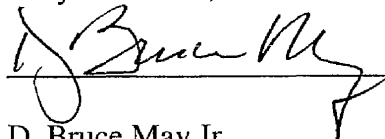
Submitted for Filing: May 6, 2004

**SOUTHERN POWER COMPANY'S REQUEST FOR ORAL ARGUMENT**

Southern Power Company ("SPC"), pursuant to Rule 25-22.058, Florida Administrative Code, requests oral argument on its contemporaneously filed Motion for Protective Order Based on Confidentiality. SPC respectfully submits that oral argument would help the Commission achieve a full and complete understanding of the highly sensitive and confidential issues identified in the motion. SPC thus requests the opportunity to be heard.

Respectfully submitted,

By:



D. Bruce May Jr.  
Fla. Bar No. 354473  
Holland & Knight, LLP  
P.O. Drawer 810  
Tallahassee, FL 32302-0810  
(850)224-7000

John Lamberski  
Troutman Sanders, LLP  
600 Peachtree St.  
Suite 5200  
Atlanta, GA 30308  
(404) 885-3000

Counsel for Southern Power Company

DOCUMENT NUMBER-DATE

05327 MAY-6 04

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

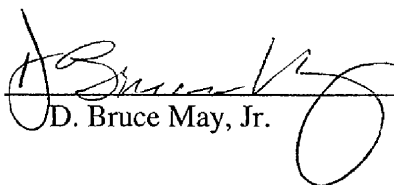
**I HEREBY CERTIFY** that a true and correct copy of Southern Power Company's Request for Oral Argument in Florida Public Service Commission Docket No. 040206-EI has been furnished by hand delivery to Jennifer Brubaker, Esq., Senior Attorney, Florida Public Service Commission, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and Harold McLean, Office of Public Counsel, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400 and by Hand-Delivery (\*) or by United States Mail this 6th day of May, 2004, to the following official parties of record:

Jon C. Moyle, Jr., Esq.  
Cathy M. Sellers, Esq.  
Moyle Flanigan Katz Raymond & Sheehan, PA  
The Perkins House  
118 North Gadsden Street  
Tallahassee, FL 32301

Florida Power & Light Co.  
Mr. R. Wade Litchfield  
700 Universe Boulevard  
Juno Beach, FL 33408-2657

Calpine Energy Services, L.P.  
2701 North Rocky Point Drive  
Suite 10  
Tampa, FL 33607

Florida Power & Light Co.\*  
Mr. Bill Walker  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

By:  \_\_\_\_\_  
D. Bruce May, Jr.