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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Fuel and Purchased Power Cost)
Recovery Clause and Generating) DOCKET NO. 040001-EI
Performance Incentive Factor) Filed: October 7, 2004
)

**MOTION OF POWER SYSTEMS MANUFACTURING, LLC AND TOM CHURBUCK
TO REMOVE ISSUES RELATED TO PROPOSED UNIT POWER SALES
AGREEMENTS FROM THE FUEL ADJUSTMENT DOCKET AND NOTICE OF
JOINDER**

Power Systems Manufacturing, LLC ("Power Systems") and Tom Churbuck ("Churbuck"), both of whom have filed Petitions to Intervene in this proceeding, file this motion pursuant to rule 28-106.204, Florida Administrative Code, to remove issues related to the proposed Unit Power Sales ("UPS") agreements between Florida Power and Light Company ("FPL") and Southern Company ("Southern") in this docket to a separate docket, so that parties and the Commission will have adequate time within which to analyze them thoroughly. Power Systems and Churbuck also give notice of their joinder of the Joint Motion of the Citizens of the State of Florida and the Florida Industrial Power Users Group to Remove Issues Related to Proposed Unit Power Sales Agreements From the Fuel Adjustment Docket filed with this Commission on October 4, 2004. Power Systems and Churbuck join in the Joint Motion of Public Counsel and Florida Industrial Power Users Group, only as it relates to the three contracts with subsidiaries of the Southern Company for which FPL

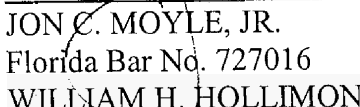
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_____ seeks approval.
_____ FPL executed these contracts on August 11, 2004 and filed testimony seeking approval of
_____ those contracts on September 9, 2004. The compressed time frames contained within this docket do
_____ not provide adequate time to thoroughly and completely conduct discovery and evaluate the issues
_____ raised by FPL's request for approval of these contracts. Thus, Power Systems and Churbuck seek the

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entry of an order removing or bifurcating FPL's requested approval of these three contracts, totaling 965 MW, from this proceeding.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to those listed below with an asterisk and the remainder by U.S. Mail without an asterisk this day the 7th day of October, 2004.

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