

October 29, 2004

- VIA HAND DELIVERY -

Blanca S. Bayó
Director, Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED- FPSC
OCT 29 PM 4:26
COMMISSION
CLERK

Re: **Docket No. 040001-EI**

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL") Notice of Serving Response to Staff's Fifth Set of Interrogatories (No. 46 only), together with a diskette containing the electronic versions of both documents. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the documents appear is Word 2000.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC _____
OTH _____

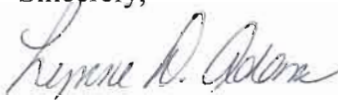
Enclosures

cc: Counsel for Parties of Record (w/encl.)

MIA2001 370654v1

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo Rio de Janeiro Santo Domingo

Sincerely,


John T. Butler

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
11720 OCT 29
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Fuel and purchased power
cost recovery clause with
generating performance incentive
factor.**

) **Docket No. 040001-EI**
) **Dated: October 29, 2004**
)
)
)


**FLORIDA POWER & LIGHT COMPANY'S
NOTICE OF SERVING RESPONSE TO STAFF'S
FIFTH SET OF INTERROGATORIES (NO. 46 ONLY)**

Florida Power & Light Company hereby gives notice of serving its Response to Staff's Fifth Set of Interrogatories (No. 46 only) to Adrienne E. Vining, Esq., counsel for the Staff, on October 27, 2004. FPL previously served its answers to Interrogatory Nos. 35-45 of the Fifth Set.

Respectfully submitted,

R. Wade Litchfield, Esq.
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-691-7101

Steel Hector & Davis LLP
Attorneys for Florida Power & Light Company
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398
Telephone: 305-577-2939

By: 
for John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket Nos. 040001-EI

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Notice of Serving Response to Staff's Fifth Set of Interrogatories (No. 46 only) has been furnished by hand delivery (*) or United States Mail on this 29th day of October, 2004, to the following:

Adrienne E. Vining, Esq.(*)
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Patricia Christensen, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

James A. McGee, Esq.
Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, Florida 33733

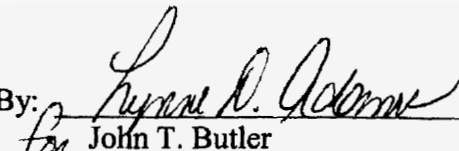
Joseph A. McGlothlin, Esq.
Vicki Gordon Kaufman, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street
Tallahassee, Florida 32301

Norman H. Horton, Esq.
Floyd R. Self, Esq.
Messer, Caparello & Self
Attorneys for FPUC
215 South Monroe Street, Suite 701
Tallahassee, Florida 32302-0551

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
P.O. Box 3350
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Jon C. Moyle, Jr., Esq.
Moyle, Flannigan, Katz, Raymond
& Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, Florida 32301

By: 
for John T. Butler