

ORIGINAL

REQUEST FOR CHANGE TO AGENDA CONFERENCE HAND DELIVER

Date of Request: 4/1/2005 Date of Agenda Conference: 4/5/2005 Item No. 5

Docket No.: 040660-EI Brief Title: Motion to dismiss protest

Requested by: Staff Other Florida Power & Light Company
(Name)

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: _____
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Florida Power & Light Company has filed a Notice of Withdrawal of its Motion to dismiss the Calcs-Plus protest of its BuildSmart program. Therefore, this item should be withdrawn from consideration at the Agenda.

RECEIVED PSC
5 APR - 1 PM 2:30
COMMISSION CLERK
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1

Signature (Technical Staff): TJS

Initials (Division Director or Designee): JDT Bayo Thompson Wang

Signature (Legal Staff): NCB

Initials (General Counsel or Designee): RON

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office
Initials: MAB

Approve Request Deny Request
Date: 4/1/05

Comments:

CHAIRMAN's OFFICE:

Initials: Blay

Approve Request Deny Request
Date: 4/1/05

Executive Suite will send the original to the Division of Commission Clerk & Administrative Services and return copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of)
modifications to BuildSmart Program)
by Florida Power & Light Company)
_____)

Docket No. 040660-EG

Filed: April 1, 2005

**FLORIDA POWER & LIGHT COMPANY'S NOTICE OF WITHDRAWAL
OF MOTIONS TO DISMISS IN DOCKET NO. 040660-EG**

Florida Power & Light Company ("FPL") hereby files its Notice of Withdrawal of FPL's Motions to Dismiss Compliance Data Services, Inc.'s Protests of the Florida Public Service Commission's Approval of Modifications to FPL's BuildSmart Program in Docket No. 040660-EG.

Respectfully submitted,

R. Wade Litchfield, Esq.
Natalie F. Smith, Esq.
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408
(561) 691-7207

By: s/Natalie F. Smith
NATALIE F. SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FPL's Notice was served by electronic mail (*) and by U.S. Mail this 1st day of April, 2005, to the following:

Martha Carter Brown*
Adrienne Vining*
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Calcs-Plus (Titusville)
Jon F. Klongerbo
1351 Park Ave.
Titusville, Florida 32780

Calcs-Plus (Venice)
Dennis J. Stroer
417-F Commercial Court
Venice, Florida 34292

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Executive Office of the Governor
Office of Planning and Budget
General Government Unit
The Capitol, Rm. 1502
Tallahassee, Florida 32399-0001

Harold McLean
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

William J. Tait, Jr., Esq.*
1061 Windwood Way
Tallahassee, Florida 32311

By: s/Natalie F. Smith
NATALIE F. SMITH