

ORIGINAL

Matilda Sanders

From: Jack_Leon@fpl.com
 Sent: Monday, April 04, 2005 2:31 PM
 To: Filings@psc.state.fl.us
 Cc: Wade_Litchfield@fpl.com; Natalie_Smith@fpl.com; John_Hepokoski@fpl.com; Lynne_Adams@fpl.com; Nanci_Nesmith@fpl.com; Bill_Feaster@fpl.com; Sabrina_Spradley@fpl.com
 Subject: Electronic Filing for Docket No. 041291 / FPL's Notice of Serving Objections and Responses to the Office of Public Counsel's Fifth Request for Production of Documents (No. 42)

Attachments: FPL's Notice of Service of OPC's 5th Request for Production of Documents (No. 42) 4-4-05.doc



FPL's Notice of Service of OPC..

Electronic Filing

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.
 9250 W. Flagler St., Suite 6514
 Miami, FL 33174
 (305) 552-3922
 jack_leon@fpl.com

b. Docket No. 041291

In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

c. Documents being filed on behalf of Florida Power & Light Company.

d. There are a total of 2 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Serving Objections and Responses to the Office of Public Counsel's Fifth Request for Production of Documents (No. 42).

(See attached file: FPL's Notice of Service of OPC's 5th Request for Production of Documents (No. 42) 4-4-05.doc)

Thank you for your attention and cooperation to this request.

Jack Leon
 Senior Attorney
 9250 W. Flagler St., Suite 6514
 Miami, FL 33174
 (305) 552-3922
 Fax: (305) 552-3865
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- OMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

03280 APR-4 05

FPSC-COMMISSIONER OF FPL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Serving its Objections and Responses to the Office of Public Counsel's Fifth Request for Production of Documents (No. 42) has been furnished electronically and by United States Mail this 4th day of April, 2005, to the following:

Wm. Cochran Keating, IV, Esq.
Katherine E. Fleming, Esq.
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Harold McLean, Esq.
Patricia A. Christensen, Esq.
Joseph A. McGlothlin, Esq.
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

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Tampa, FL 33602
Attorneys for Florida Industrial Power Users Group

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Attorneys for Florida Industrial Power Users Group

Michael B. Twomey, Esq.
P.O. Box 5256
Tallahassee, FL 32314-5256
Attorney for Thomas P. Twomey, Genevieve E. Twomey
and AARP

By: s/ Natalie F. Smith
Natalie F. Smith, Esq.
Fla. Bar No. 470200

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of long-term fuel supply and transportation contracts for Hines Unit 4 and additional system supply and transportation, by Progress Energy Florida, Inc.

DOCKET NO. 041414-EI

FILED: APRIL 4, 2005

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-05-0128-PCO-EI, filed January 31, 2005, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None at this time.

b. All Known Exhibits

None at this time. Staff reserves the right to identify additional exhibits at the Prehearing Conference and at hearing for purposes of cross-examination.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: Did Progress Energy Florida (PEF) adequately solicit potential natural gas providers to provide fuel to the Hines 4 generating unit? (VonFossen, McNulty, Bohrmann)

POSITION: No position pending further discovery and evidence adduced at the hearing.

ISSUE 2: Is the proposal contemplated in PEF's petition the most cost-effective option considering price and non-price factors? (Harlow, Sickel, VonFossen, Bulecza-Banks, Makin, Lester)

POSITION: No position pending further discovery and evidence adduced at the hearing.

DOCUMENT NUMBER-DATE
03270 APR-4 05
FPSC-COMMISSION CLERK

ISSUE 3: Is the 20-year term of the contracts contemplated in PEF's petition appropriate? (VonFossen, McNulty, Bohrmann)

POSITION: No position pending further discovery and evidence adduced at the hearing.

ISSUE 4: Based on the resolution of the foregoing issues, should the Commission grant PEF's petition? (VonFossen, McNulty, Bohrmann)

POSITION: No position pending further discovery and evidence adduced at the hearing.

ISSUE 5: Should this docket be closed? (Vining)

POSITION: No position at this time.

e. Stipulated Issues

There are no issues that have been stipulated at this time.

f. Pending Motions

PEF's First Motion for Temporary Protective Order, filed February 28, 2005

PEF's Second Motion for Temporary Protective Order, filed March 14, 2005

PEF's Third Motion for Temporary Protective Order, filed March 29, 2005

PEF's Fourth Motion for Temporary Protective Order, filed March 31, 2005

BG LNG Services, LLC's Petition to Intervene, filed March 30, 2005

BG LNG Services, LLC's Request for Representation by Qualified Representative, filed March 30, 2005

g. Pending Confidentiality Claims or Requests

PEF's First Request for Confidential Classification, filed December 20, 2004

PEF's Second Request for Confidential Classification, filed February 1, 2005

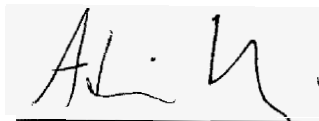
PEF's Third Request for Confidential Classification, filed March 1, 2005

PEF's Fourth Request for Confidential Classification, filed March 14, 2005

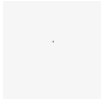
h. Compliance with Order No. PSC-05-0128-PCO-EI

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 4th day of April, 2005.



ADRIENNE E. VINING
Senior Attorney
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2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6183



BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of long-term fuel supply and transportation contracts for Hines Unit 4 and additional system supply and transportation, by Progress Energy Florida, Inc.	DOCKET NO. 041414-EI FILED: APRIL 4, 2005
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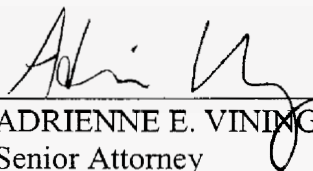
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Prehearing Statement was furnished to the following, by U.S. Mail, on this 4th day of April, 2005:

Carlton Fields Law Firm
Gary Sasso/James Walls/John Burnett
P. O. Box 3239
Tampa, FL 33607-5736

Office of Public Counsel
Patricia Christensen
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111 West Madison Street, #812
Tallahassee, FL 32399-1400

Progress Energy Service Company, LLC
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100 Central Avenue
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St. Petersburg, FL 33701


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