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Timolyn Henry*****1

Timolyn Henry

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Sent: Monday, April 11, 2005 4:48 PM
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Subject: Electronic Filing for Docket No. 050045-EI/ Florida Power & Light Company's Response to the Florida Retail Federation's Petition to Intervene

Attachments: FPL's Response to FRF's Petition to Intervene.doc



FPL's Response
to FRF's Petiti...

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 050045-EI

In re: Petition for rate increase by Florida Power & Light Company

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

d. There are a total of 4 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Response to the Florida Retail Federation's Petition to Intervene (See attached file: FPL's Response to FRF's Petition to Intervene.doc)

Thank you for your attention and cooperation to this request

CMP _____
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DOCUMENT NO.
03526-05
4.11.05

ORIGINAL

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by)
Florida Power & Light Company)
_____)

Docket No: 050045-EI

Filed: April 11, 2005

**FLORIDA POWER & LIGHT COMPANY'S
RESPONSE TO THE FLORIDA RETAIL FEDERATION'S
PETITION TO INTERVENE, PETITION TO CONDUCT GENERAL RATE CASE, AND
REQUEST FOR HEARING**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL" or the "Company"), and pursuant to Rule 28-106.204(1), Florida Administrative Code, files this Response to the Petition to Intervene, Petition to Conduct General Rate Case, and Request for Hearing filed April 4, 2005 on behalf of the Florida Retail Federation ("FRF"), and in support states:

1. FPL does not object to FRF's participation as a party in Docket No. 050045-EI. However, FPL reserves its right to object to any of FRF's alleged issues in dispute in this Docket and to raise the issues FPL believes are appropriate for the Commission's consideration in ruling on FPL's Petition.

2. Further, FPL responds that FRF's Petition to Conduct a General Rate Case and Request for a Hearing is "a request for a rate proceeding ... that [has] already begun." See South Florida Hospital & Healthcare Ass'n v. Jaber, 887 So. 2d 1210, 1213-14 (Fla. 2004); Order No PSC-01-1930-PCO-EI at 11, Docket No. 001148-EI (issued Sept. 25, 2001). FPL has already initiated a general rate case and the Commission has already scheduled a formal hearing in this Docket. FPL appreciates and accepts FRF's willingness to participate in resolving this case

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through stipulation and settlement. However, FRF is unclear about whether or how South Florida Hospital & Healthcare Ass'n v. Jaber, 887 So. 2d 1210 (Fla. 2004) applies to its Petition. FPL does not believe that South Florida Hospital & Healthcare Ass'n, means that FRF's Petition to Conduct a General Rate Case and Request for a Hearing would secure for FRF any additional rights in this Docket that FRF, otherwise, would not have.

Respectfully submitted,

By: s/Natalie F. Smith
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and by United States Mail this 11th day of April, 2005, to the following:

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