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Timolyn Henry*****1

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From: Elizabeth_Carrero@fpl.com
Sent: Tuesday, July 26, 2005 4:41 PM
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Subject: Electronic Filing for Docket No. 050045-EI / Docket No. 050188-EI - Florida Power & Light Company's Response to Consumer Petitioners' Motion to Consolidate

Attachments: FPL's Response to Consumer Petitioners' M to Consolidate.doc



FPL's Response
Consumer Pet.

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RCA _____
SCR _____
SGA _____
SEC 1
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Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 050045-EI / Docket No. 050188-EI

In re: Petition for rate increase by Florida Power & Light Company In re: 2005 Comprehensive Depreciation Studies 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 Consumer Petitioners' Motion to Consolidate

(See attached file: FPL's Response to Consumer Petitioners' M to Consolidate.doc)

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

07148 JUL 26 05

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)
Florida Power & Light Company)
_____)
In re: 2005 comprehensive depreciation)
study by Florida Power & Light Company.)
_____)

Docket No: 050045-EI

Docket No. 050188-EI

Filed: July 26, 2005

FLORIDA POWER & LIGHT COMPANY'S
RESPONSE TO CONSUMER PETITIONERS'
MOTION TO CONSOLIDATE

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 Consumer Petitioners' Motion to Consolidate filed July 19, 2005 on behalf of The Citizens of the State of Florida ("Citizens"), the Florida Retail Federation ("FRF"), AARP, the Federal Executive Agencies ("FEA"), the South Florida Hospital and Healthcare Association (SFHHA"), and the Florida Industrial Power Users Group ("FIPUG"), hereinafter collectively the "Consumers" or "Consumer Petitioners," and in support states:

1. On July 19, 2005 Consumer Petitioners filed both a Joint Complaint and Petition for a Decrease in the Rates and Charges of Florida Power & Light Company ("Joint Complaint and Petition") and a Motion to Consolidate. FPL intends to file a response to the Joint Complaint and Petition within 20 days from the date of service.

2. Petitioners' Motion to Consolidate cannot be taken up before consideration of the Joint Complaint and Petition. Effectively, there is nothing to consolidate unless and until the

Commission grants the Joint Complaint and Petition and initiates a separate proceeding. FPL files this response and objection to Petitioners' Motion to Consolidate solely out of an abundance of caution, but reserves the right in its response to the Joint Complaint and Petition to address any relevant aspect of the Motion to Consolidate as it relates to the Joint Complaint and Petition and the relief sought therein. Accordingly, Petitioners' Motion to Consolidate is premature and should be denied. Alternatively, it should be considered only in connection with the Joint Complaint and Petition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response has been furnished electronically and by United States Mail this 26th day of July, 2005, to the following:

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