



"Kershner, Rodger A."  
<RKershner@HowardandHoward.com>

11/29/2005 04:29 PM

To: Garson\_Knapp@fpl.com  
cc:  
Subject: RE: Shut Off Notice Received - Your Response Needed

Thank you.

Rodger A. Kershner  
Howard & Howard Attorneys, P.C.  
The Pinehurst Office Center, Suite 101  
39400 Woodward Avenue  
Bloomfield Hills, Michigan 48304-5151  
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-----Original Message-----

From: Garson\_Knapp@fpl.com [mailto:Garson\_Knapp@fpl.com]  
Sent: Tuesday, November 29, 2005 4:21 PM  
To: Kershner, Rodger A.  
Cc: Wade\_Litchfield@fpl.com; John\_Hall@fpl.com; Ralph\_Calleja@fpl.com; Damaris\_Diaz@fpl.com  
Subject: RE: Shut Off Notice Received - Your Response Needed

Rodger,

This will confirm, as was stated in FPL's responses to the Kmart/Sears Motions, that FPL, as a result of the filing of the Motions and Complaints will not terminate power service to Kmart/Sears locations within FPL's service territory.

Garson Knapp, Attorney  
Florida Power and Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tel: (561) 304-5720  
Fax: (561) 625-7504

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"Kershner, Rodger

A."  
sgree21@sears.com

To:

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kzenkov@sears.com,

11/29/2005 04:16 PM  
Clarence@Sears " <crobine@sears.com>  
pfrale1@sears.com, Garson\_Knapp@fpl.com, lmill64@sears.com, "ZZS  
Robinett,

Subject: RE: Shut Off

Notice Received - Your Response Needed

Steve,

I just spoke to Garson Knapp, FP&L Senior Attorney in Juno Beach. While FP&L has committed to Sears and to the Florida Public Service Commission that there will be NO shutoffs while the formal Complaint filed last week remains pending before the Commission, he has agreed to take further steps to get that word out so that no person or machine inadvertently interrupts Sears' electric service in ignorance. He will confirm that he has done so by the end of the day. I am sure he understands that the damages to which Sears would be entitled for wrongful interruption of service during the holiday season would be very large. I also note that FP&L has added what appears to be a late charge or interest in the amount of an additional \$615, which is completely inappropriate and illegal. The million dollars, if paid, is a deposit, not a debt. Each day we do not pay saves them the interest that would otherwise be due to Sears. Because FP&L is represented by counsel, I am constrained by the rules of conduct from communicating directly with him, but you may want to share this information with Mr. Calleja, your service rep. Rodger Kershner

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