

**Timolyn Henry**

**From:** Estes, Ron L [REstes@HowardandHoward.com]  
**Sent:** Tuesday, December 20, 2005 4:00 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Garson\_Knapp@fpl.com; Kershner, Rodger A.  
**Subject:** Docket No. 050890-EI - Unopposed Motion for Extension of Time  
**Attachments:** Sears.Unopposed.Motion.Extension.Time.doc

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This e-mail message to which the document is attached includes the following information, in the order listed:

a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing,  
Rodger A. Kershner  
Howard & Howard Attorneys, P.C.  
39400 Woodward Ave., Ste. 101  
Bloomfield Hills, MI 48304  
(248) 723-0421 - Telephone  
(248) 645-1568 - Facsimile  
rkershner@howardandhoward.com

b. The docket number is 050890-EI and the title is:

Complaint of Sears, Roebuck and Co. Against Florida Power & Light Company and motion to compel FPL to continue electric service and to cease and desist demands for deposit pending final

c. The name of the party on whose behalf the document is filed:

Sears, Roebuck and Co.

d. The total number of pages in each attached document:

1. Unopposed Motion for Extension of Time - 3 pages

e. A brief but complete description of each attached document.

1. Unopposed Motion for Extension of Time to allow Sears to respond to FPL's Motion to Dismiss by December 27, 2005. (attached as Docket No. 050890-EI - Unopposed Motion for Extension of Time)

Thank you very much for your assistance.

Sincerely,

Ron L. Estes  
Howard & Howard Attorneys, P.C.  
The Pinehurst Office Center, Suite 101  
39400 Woodward Avenue  
Bloomfield Hills, MI 48304

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Website: www.H2Law.com

DOCUMENT NUMBER-DATE

11760 DEC 20 05

FPSC-COMMISSION CLERK

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Timolyn Henry\*\*\*\*\*2

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ORIGINAL

December 20, 2005

**VIA ELECTRONIC FILING**

Bianca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

Re: Unopposed Motion for Extension of Time

Dear Ms. Bayo:

On behalf of Sears, Roebuck and Co., I am enclosing for filing and distribution the original electronic version of the following:

- Sears, Roebuck and Co.'s Unopposed Motion for Extension of Time to Respond to Florida Power & Light Company's Motion to Dismiss

Thank you for your assistance.

Very truly yours,

s/ Rodger A. Kershner

\_\_\_\_\_  
Rodger A. Kershner  
Howard & Howard Attorneys, PC  
39400 Woodward Ave., Ste. 101  
Bloomfield Hills, MI 48304

Enclosures

DOCUMENT NUMBER-DATE

11760 DEC 20 05

FPSC-COMMISSION CLFRK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Sears, Roebuck )  
and Co. Against Florida Power )  
& Light Company )  
\_\_\_\_\_ )

Docket No. 050890-EI

Filed: December 20, 2005

SEARS, ROEBUCK AND CO.'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
RESPOND TO FLORIDA POWER & LIGHT COMPANY'S MOTION TO DISMISS

Sears, Roebuck and Co. ("Sears"), pursuant to Rule 28-106.204(5), Florida Administrative Code ("F.A.C."), hereby files its request for an extension of time until December 27, 2005 to file its response to Florida Power & Light Company's ("FPL") Motion to Dismiss Sears' Complaint, and in support thereof states:

1. FPL filed its Motion to Dismiss with the Public Service Commission (the "Commission") on December 13, 2005. Pursuant to F.A.C. 28-106.204(1), Sears' response to FPL's Motion to Dismiss is due on December 20, 2005.
2. In light of the onset of the holiday season and to allow for the requisite investigation, research, preparation, and consultation with the client required to fully respond to FPL's dispositive pleading, Sears requests an extension of time until close of business on December 27, 2005 to file its response to FPL's Motion to Dismiss
3. The Commission's staff recommendation on FPL's Motion to Dismiss is not due until February 16, 2005 and Sears' representative has consulted with FPL's counsel, Garson Knapp, and Mr. Knapp has indicated that FPL does not object to the requested extension of time. Thus, the extension is very unlikely to prejudice any parties involved.

WHEREFORE, Sears respectfully requests an extension of time until close of business December 27, 2005 to file its response to FPL's Motion to Dismiss.

Respectfully submitted,  
Sears, Roebuck and Co.

s/ Rodger A. Kershner

\_\_\_\_\_  
Rodger A. Kershner  
Howard & Howard Attorneys, P.C.  
39400 Woodward Ave., Ste. 101  
Bloomfield Hills, MI 48304

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FPSC-COMMISSION CI FRK

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Sears, Roebuck and Co.'s Unopposed Motion for Extension of Time to Respond to Florida Power & Light Company's Motion to Dismiss was served via electronic mail (\*) and U.S. Mail this 20<sup>th</sup> day of December, 2005 to the following:

Garson Knapp, Attorney\*  
FPL Energy Power Marketing, Inc.  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tel: (561) 304-5720  
Fax: (561) 625-7504

Florida Power & Light Company  
P.O. Box 025576  
Miami, FL 33102

Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408

Respectfully submitted,  
Sears, Roebuck and Co.

s/ Rodger A. Kershner

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