

**Timolyn Henry**

**From:** Estes, Ron L [REstes@HowardandHoward.com]  
**Sent:** Tuesday, December 20, 2005 4:07 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Garson\_Knapp@fpl.com; Kershner, Rodger A.  
**Subject:** Docket No. 050891-EI

**Attachments:** Kmart.Unopposed.Motion.Extension.Time.doc

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC   1    
OTH \_\_\_\_\_



Kmart.Unoppos  
l.Motion.Extensi

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 050891-EI and the title is:  
Complaint of Kmart Corporation 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:

Kmart Corporation

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 Kmart to respond to FPL's Motion to Dismiss by December 27, 2005. (Attached as

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

Direct: 248.723.0492  
Fax: 248.645.1568  
Mobile: 248.835.7955

DOCUMENT NUMBER-DATE

11761 DEC 20 05

FPSC-COMMISSION CLERK

CCA Official Filing  
12/20/2005 4:09 PM\*\*\*\*\*

4:09 PM\*\*\*\*\*

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

E-Mail: RLE@H2Law.com  
Website: www.H2Law.com

\*\*\*\*\*

This electronic message, and all of its contents, contains information from the law firm of Howard & Howard, which is privileged, confidential or otherwise protected from disclosure. The information is intended to be for the addressee only. If you are not the addressee, any disclosure, copying, distribution or use of the contents of this message is prohibited. If this communication was not intended for you, please reply via e-mail immediately and permanently delete this message and all attachments from your system.

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code; or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

**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 Kmart Corporation, I am enclosing for filing and distribution the original electronic version of the following:

- Kmart Corporation'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

11761 DEC 20 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Kmart Corporation )  
Against Florida Power )  
& Light Company )  
\_\_\_\_\_ )

Docket No. 050891-EI

Filed: December 20, 2005

KMART CORPORATION'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
RESPOND TO FLORIDA POWER & LIGHT COMPANY'S MOTION TO DISMISS

Kmart Corporation ("Kmart"), 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 Kmart's 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), Kmart's 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, Kmart 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 Kmart's 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, Kmart 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,  
Kmart Corporation

s/ Rodger A. Kershner

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Kmart Corporation'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,  
Kmart Corporation

s/ Rodger A. Kershner

---

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