

**Ruth Nettles**

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**From:** Richzambo@aol.com  
**Sent:** Monday, February 18, 2008 3:09 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** FICA Notice of Withdrawal of Protest and as Formal Party - Docket 070234 - FPL  
**Attachments:** 021808 FICA Notice of Withdrawal FPL - Filed.doc

**1. Attorney responsible for this electronic filing:**

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**2. Docket numbers and titles in which filing is submitted:**

DOCKET NO. 070234-EQ In re: Petition for approval of renewable energy standard offer contract by Florida Power & Light Company

**3. Party on whose behalf this filing is submitted:**

The Florida Industrial Cogeneration Association

**4. Total number of pages in filing:**

Two (3) pages

**5. Document attached:**

Notice of Withdrawal of Protest and As a Formal Party

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If you have any questions or require anything further in this regard, please do not hesitate to let us know immediately.

*Rich Zambo*

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DOCUMENT NUMBER-DATE

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for Approval of Renewable  
Energy Standard Offer Contract, by Florida  
Power & Light Company

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Docket No. 070234-EQ

**Filed: February 18, 2008**

**Notice of Withdrawal of Protest and As a Formal Party**  
**By**  
**The Florida Industrial Cogeneration Association**

The Florida Industrial Cogeneration Association ("FICA"), by and through its undersigned attorney, for reasons stated below and others, submits its Notice of Withdrawal of Protest and As a Formal Party to the captioned proceeding and does hereby withdraw its protest and relinquish its status as a formal party thereto.

1. Hearings in this Docket are scheduled for April 10 and 11, 2008. Parties' briefs are due May 9, 2008 and a final Commission decision is likely to be rendered in June or July.
2. Pursuant to Rules 25-17.0832 and 25-17.200 through 25-17.310, F.A.C., Florida Power & Light Company (FPL) (and other electric utilities) will be required to file with the Commission a new successor Renewable Energy Standard Offer Contract ("Standard Offer") on April 1, 2008, just days prior to the scheduled hearing on the current Standard Offer.
3. The successor Standard Offer to be filed on April 1<sup>st</sup> will supersede the Standard Offer subject to dispute in the captioned proceeding which, by virtue of FPL's required filing and operation of the Commission's rules, will become moot. Likewise, the issues raised by the parties in the instant proceeding will also be moot and FICA, along with other parties, would be engaged in meaningless litigation over a Standard Offer that will have previously lapsed.

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4. Litigating issues arising out of a Standard Offer that will be superseded before litigation can be completed or a Commission decision rendered is an unnecessary but avoidable waste of time, money and other resources for all concerned. It is evident that administrative efficiency would not be served, nor would an efficient use of Commission, utility and intervener resources be obtained, by further litigating a soon-to-lapse Standard Offer.

5. Moreover, the recently filed Motion to Hold Docket in Abeyance by Wheelabrator (to which FICA does not object and would support) raises the possibility that further efforts by FICA from this point - including filing of direct testimony and proceeding with discovery requests and responses – would be unproductive at best and prejudicial at worst.

6. For these reasons, as well as others, FICA has chosen to withdraw its protest of the current Standard Offer and to relinquish its status as a party to the captioned proceeding in which the current Standard Offer will be litigated.

7. FICA continues to reserve, and at this juncture fully expects to exercise, its right to protest any new Standard Offer or Standard Offers to be filed on or about April 1, 2008.

RESPECTFULLY submitted on this 18<sup>th</sup> day of February, 2008.

/s/ *Richard A. Zambo*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been submitted by electronic mail and/or U.S. mail on this 18<sup>th</sup> day of February, 2008 to the following:

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