

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for West County Energy Center Unit 3 electrical power plant, by Florida Power & Light Company.

DOCKET NO. 080203-EI

In re: Petition for determination of need for conversion of Riviera Plant in Palm Beach County, by Florida Power & Light Company.

DOCKET NO. 080245-EI

In re: Petition for determination of need for conversion of Cape Canaveral Plant in Brevard County, by Florida Power & Light Company.

DOCKET NO. 080246-EI

ORDER NO. PSC-08-0331-PCO-EI

ISSUED: May 22, 2008

ORDER GRANTING MOTION TO CONSOLIDATE

Florida Power & Light Company (FPL) recently filed three separate petitions for determinations of need pursuant to Section 403.519, Florida Statutes (F.S.) and Rules 25-22.080 and 25-22.081, Florida Administrative Code (F.A.C.). The petition for West County Energy Center Unit 3 (WCEC 3) was filed on April 8, 2008. FPL filed the petitions for the Riviera conversion project and the Cape Canaveral conversion projects on April 30, 2008. At that time FPL also filed a Motion to Consolidate the three dockets. FPL asserts that the consolidation of these need determination proceedings is appropriate because they involve similar issues of law and fact, each involving the legal standards prescribed in section 403.519, F.S. FPL believes that consolidation will promote the efficient handling of these three cases.

Pursuant to Rule 28-106.208, F.A.C. the Commission may order consolidation when proceedings involve similar issues of law or fact, and consolidation would promote the just, speedy, and inexpensive resolution of the proceedings without causing undue prejudice to the rights of any party. These need determination proceedings involve the same issues of law and the same or similar issues of fact, and the resolution of the issues raised in one case will involve consideration of the issues in the others. In this instance, consolidation is appropriate.

Based on the foregoing, it is

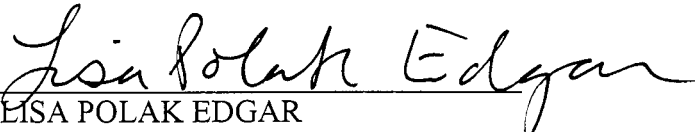
ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the proceedings on FPL's petitions to determine need for West County Energy Center Unit 3 (Docket No. 080203-EI), and the conversion of its existing Riviera and Cape Canaveral plants (Docket Nos. 080245-EI and 080246-EI) shall be consolidated for all purposes.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 22nd day of May, 2008.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(S E A L)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.