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Subject: Electronic Filing: Docket 090007-EI / FPL's Notice of DC Circuit Opinion on Rehearing of Opinion Vacating CAIR
Attachments: Notice of CAIR opinion on rehearing.doc; Attachment.12.23.08.CAIR.Opinion.Rehearing.pdf; Notice of CAIR Opinion on rehearing.with.attmt.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 090007-EI

In Re: Environmental Cost Recovery Clause

c. The document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 7 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Notice to of D.C. Circuit Opinion on rehearing of Opinion Vacating CAIR

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DOCUMENT NUMBER - DATE

00092 JAN-6 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)

DOCKET NO. 090007-EI
FILED: January 6, 2009

**FLORIDA POWER & LIGHT COMPANY'S NOTICE
OF D.C. CIRCUIT OPINION ON REHEARING
OF OPINION VACATING CAIR**

Florida Power & Light Company ("FPL") hereby gives notice that, on December 23, 2008, the United States Circuit Court of Appeals for the District of Columbia Circuit issued an opinion on rehearing of the Court's July 11, 2008 opinion vacating the United States Environmental Protection Agency's ("EPA's") Clean Air Interstate Rule ("CAIR"). A copy of the Court's opinion on rehearing is attached hereto.

The opinion on rehearing remands CAIR to the EPA without vacatur, so that EPA may remedy CAIR's flaws in accordance with the Court's July 11 opinion. This results in CAIR remaining in effect in its current form until it is revised with the July 11 opinion. No timetable is set for the EPA to revise CAIR, but the Court reminded EPA that it did not intend to grant an indefinite stay of the effectiveness of the July 11 opinion. Because the Court did not vacate CAIR, FPL and other utilities must continue to comply with its current requirements until they are revised.

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00092 JAN-6 8

FPSC-COMMISSION CLERK

Parties to the CAIR rule challenge will have the right to petition the Supreme Court of the United States for a writ of certiorari within 90 days of the opinion on rehearing. FPL is not aware at this time whether any party intends to seek certiorari review.

Respectfully submitted,

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By: s/ John T. Butler
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CERTIFICATE OF SERVICE

Docket No. 090007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on January 6, 2009 to the following:

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