

**REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER**

Date of Request: 3/2/2009 Date of Agenda Conference: 3/3/2009 Item No. 11

Docket No.: 080665-EI Brief Title: FPL Petition for approval of long-term agreement

Requested by: Staff Other Florida Power & Light Company
(Name)

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: _____
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to the Commission Clerk by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

FPL withdrew its petition, see attached. Thus, staff withdraws its recommendation filed on February 20, 2009.

COM | | | | | | | | | |
ECR | | | | | | | | | |
GCL | | | | | | | | | |
OPC | | | | | | | | | |
RCP | | | | | | | | | |
SSC | | | | | | | | | |
SGA | | | | | | | | | |
ADM | | | | | | | | | |
CLK | | | | | | | | | |
Delephant
Juris
Maccko
Williams

RECEIVED-FPSC
09 MAR -2 PM 4:28
COMMISSION CLERK

Signature (Technical Staff): [Signature]
Signature (Legal Staff): Lisa C. Bennett

Initials (Division Director or Designee): [Initials]
Initials (General Counsel or Designee): [Initials]

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office
Initials: MAB
Comments:

Approve Request Deny Request
Date: 3/2/09

CHAIRMAN'S OFFICE:

Initials: UCS

Approve Request Deny Request
Date: 3/2/09

Executive Suite will send the original to the Office of Commission Clerk and return copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OAR) and Attorney assigned to the docket.

DOCUMENT NUMBER - DATE
01681 MAR-28-

Renumbered form 03/22/09

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Approval of Long-Term)
Agreement for Full Requirements)
Electric Service with Lee County)
Electric Cooperative.)

DOCKET NO. 080665-EI

FILED: March 2, 2009

**FLORIDA POWER & LIGHT COMPANY'S NOTICE OF WITHDRAWAL
OF PETITION FOR APPROVAL OF LONG-TERM AGREEMENT
FOR FULL REQUIREMENTS ELECTRIC SERVICE
WITH LEE COUNTY ELECTRIC COOPERATIVE**

Florida Power & Light Company (FPL) hereby files notice of withdrawing its petition dated November 10, 2008 for approval of FPL's Long-Term Agreement for Full Requirements Electric Service with Lee County Electric Cooperative, as supplemented on February 12, 2009 (collectively, the "Petition"). There has been no hearing on the Petition, and accordingly FPL is entitled to withdraw it. *Fears v. Lunsford*, 314 So.2d 578, 579 (Fla. 1975); *Orange County v. Debra, Inc.*, 451 So.2d 868 (Fla. 1st DCA 1983); *City of Bradenton v. Amerifirst Development Corp.*, 582 So.2d 166 (Fla. 2d DCA 1991); *Saddlebrook Resorts, Inc. v. Wiregrass Ranch, Inc.*, 630 So.2d 1123 (Fla. 2d DCA 1993).

Respectfully submitted this 2nd day of March, 2009.

John T. Butler, Esq.
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Telephone: (561) 304-5639
Facsimile: (561) 691-7135

By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 080665-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on March 2, 2009, to the following:

Lisa Bennett, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Joseph A. McGlothlin, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

By: /s/ John T. Butler
John T. Butler
Fla. Bar No. 283479