



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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March 27, 2009

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COMMISSION
CLERK

VIA HAND DELIVERY

Ms. Ann Cole, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center, Room 110
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

090150

Re: Florida Power & Light Company's Petition for Approval of a Modification to an Existing Negotiated Renewable Energy Contract with The Solid Waste Authority of Palm Beach County

Dear Ms. Cole:

On March 25, 2009, Florida Power & Light Company filed a Petition for Approval of a Modification to an Existing Negotiated Renewable Energy Contract with The Solid Waste Authority of Palm Beach County. After submission, it was noted that the first page and signature page of the filed Exhibit A were not the dated and executed original. Florida Power & Light requests that the original page 1 and the signature page of Exhibit A be replaced with the actual executed versions attached.

Please contact me if you or your Staff have any questions regarding this filing.

- COM _____
- ~~ECR~~ _____
- GCL L _____
- OPC _____
- RCP _____
- SSC _____
- SGA L _____
- ADM _____ CGP:aal
- CLK _____ Enclosures

Sincerely,

Carla G. Pettus
for

Carla G. Pettus
Authorized House Counsel No. 53011

DOCUMENT NUMBER-DATE

02762 MAR 27 08

FPSC-COMMISSION CLERK

**RESTATED AND AMENDED AGREEMENT FOR THE
PURCHASE OF FIRM CAPACITY AND ENERGY
BETWEEN THE SOLID
WASTE AUTHORITY OF PALM BEACH COUNTY AND FLORIDA POWER &
LIGHT COMPANY**

THIS RESTATED AND AMENDED AGREEMENT ("Amended Agreement") is made and entered this 18th day of March, 2009, by and between THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY (the "Authority"), a special taxing district created by the Florida Legislature under the Palm Beach County Solid Waste Act, Chapter 2001-331, Laws of Florida, with its principal offices at 7501 North Jog Road, West Palm Beach, Florida 33412, and FLORIDA POWER & LIGHT COMPANY ("FPL"), a utility corporation organized and existing under the laws of the State of Florida having its principal place of business in Juno Beach, Florida. The Authority and FPL shall collectively herein be called the "Parties" and each be individually identified herein from time to time as a "Party".

WITNESSETH:

WHEREAS, the Authority has built and owns a facility (the "Facility") which is a "qualifying small power production facility" as that term is defined in Section 3(17)(c) of the Federal Power Act and used in Section 210 of the Public Utility Regulatory Policies Act of 1978; is a qualifying facility pursuant to 25-17.080, Florida Administrative Code; and, which is a producer of "renewable energy" as that term is defined in Section 366.91 of Florida Statutes; and,

WHEREAS, the Authority desires to sell, and FPL desires to purchase, electricity generated by the Facility consistent with Florida Public Service Commission ("FPSC") Rules 25-17.80 through 25-17.87, inclusive, of Order No. 12443 in Docket No. 820406-EU; and,

WHEREAS, the Parties desire to restate and amend the Original Agreement, as defined herein, in order to, among other things, extend the term and to allow the Authority to refurbish and retrofit the Facility; and,

WHEREAS, in the event a conflict arises among terms or conditions contained herein


16.13 EACH PARTY WAIVES ITS RESPECTIVE RIGHT TO A JURY TRIAL WITH RESPECT TO ANY LITIGATION ARISING UNDER OR IN CONNECTION WITH THIS AMENDED AGREEMENT.

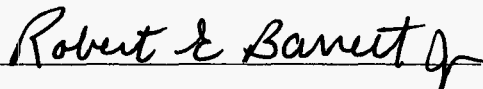
16.14 In the event of a conflict between the provision of this Amended Agreement and the Original Agreement, this Amended Agreement shall prevail.

IN WITNESS WHEREOF, the Parties hereto have caused this Amended Agreement to be executed by their respective duly authorized officers.

ATTEST:


FLORIDA POWER & LIGHT COMPANY


Assistant Secretary


Name: Robert E. Barrett, Jr. ^{MAR}
Title: VP, Finance _{RB}
Date: 3/24/09

ATTEST:

THE SOLID WASTE AUTHORITY OF
PALM BEACH COUNTY


Clerk to the Authority


Name: Commissioner John F. Koons
Title: Chairman