

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

DOCKET NO. 070231-EI

In re: Petition for approval of underground conversion tariff revisions, by Florida Power & Light Company.

DOCKET NO. 080244-EI

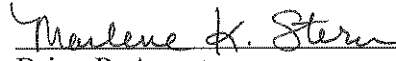
FILED: MAY 15, 2009

NOTICE OF WITHDRAWAL OF PROTEST

On November 24, 2008, the Florida Public Service Commission ("PSC") issued its proposed agency action order in Docket No. 070231-EI, approving Florida Power & Light Company's ("FPL's") petition for revisions to its underground residential distribution ("URD") and underground commercial distribution ("UCD") tariffs. See Order No. PSC-08-0774-TRF-EI, issued on November 24, 2008 ("PAA Order"). The City of South Daytona ("City"), an intervenor in this docket pursuant to Order No. PSC-08-0486-PC-EI issued on August 1, 2008, protested the Order approving the tariffs and its protest was deemed untimely. See Order No. PSC-09-0114-PCO-EI, issued on February 25, 2009 ("Order Establishing Procedure"). The Municipal Underground Utilities Consortium ("MUUC"), however, filed a timely protest on December 15, 2008.

Accordingly, this case has proceeded on the MUUC's protest with the City as an intervenor. During the course of the proceedings, the City, MUUC and FPL all agreed to stipulate that FPL's UCD tariffs were not at issue in this proceeding. In an abundance of caution, and in order to prepare an administrative order approving FPL's UCD tariffs, Staff has asked the City to withdraw its protest of the PAA Order. Therefore, the City hereby withdraws its protest, and has no objection to the approval of FPL's UCD tariffs.

Respectfully submitted this 5th day of May, 2009.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic and U.S. Mail to the service list below, on this 15th day of May, 2009.

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