

M E M O R A N D U M

MARCH 9, 1998

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FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) *RUE WCK*

RE: DOCKET NO. 970541-^GEX - PETITION BY FLORIDA POWER & LIGHT
COMPANY FOR MODIFICATION OF RESIDENTIAL BUILDING ENVELOPE
PROGRAM

98-0375-FDF. E G

Attached is an ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST to be
issued in the above referenced docket. (Number of pages - 3)

WCK/js
Attachment
cc: Division of Electric and Gas (Dudley)
I:970541o2.wck

*boxed - 3/10
mailed -*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power
& Light Company for modification
of Residential Building Envelope
Program.

DOCKET NO. 970541-EG
ORDER NO. PSC-98-0375-FOF-EG
ISSUED: March 9, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING WITHDRAWAL OF PROTEST

BY THE COMMISSION:

On May 6, 1997, Florida Power & Light Company (FPL) filed a petition for approval of modifications to its Residential Building Envelope Program. By Notice of Proposed Agency Action Order No. PSC-97-1481-FOF-EG (PAA Order), issued November 24, 1997, in Docket No. 970541-EG, we approved FPL's petition. On December 15, 1997, the Florida Apartment Association (FAA) timely filed a letter protesting the PAA Order and requesting a hearing on this matter. FPL became aware of FAA's protest letter on December 17, 1997, and filed a motion in opposition to FAA's protest on January 6, 1998.

On January 9, 1998, FAA filed a letter notifying us that it wished to withdraw its protest of the PAA Order. In its letter, FAA stated that it "will no longer take issue with the Residential Building Envelope Program" and that "this program now meets our satisfaction." Because FAA withdrew its protest and no other protests to the PAA Order were filed, there are no issues for us to address in this docket. Accordingly, we acknowledge FAA's withdrawal of its protest and make Order No. PSC-97-1481-FOF-EG final and effective as of February 17, 1998, the date of our vote on this matter.

DOCUMENT NUMBER-DATE

02985 MAR-98

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Florida Apartment Association's withdrawal of its protest in this docket is hereby acknowledged. It is further

ORDERED that Order No. PSC-97-1481-FOF-EG is made final and effective as of February 17, 1998.

By ORDER of the Florida Public Service Commission this 9th day of March, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

WCK

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme

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Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.