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ORIGINAL
COPY

May 6, 1997

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399

RE: DOCKET NO. 970410-EI

Dear Ms Bayó:

Enclosed for filing please find the original and fifteen (15) copies of Florida Power & Light Company's Notice of Objection.

Very truly yours,


Matthew M. Childs, P.A.

ACK	✓	
AFA	2	MMC:ml
AFB		
AW		Enclosure
CHW		cc: All parties of Record
CPA		
ESC		
LEA	1	
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DOCUMENT NUMBER-DATE
04476 MAY-66
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Proposal to Extend Plan for)	
the Recording of Certain Expenses)	DOCKET NO. 970410-EI
for the Years 1998 and 1999 for)	FILED: MAY 6, 1997
Florida Power & Light Company)	
_____)	

NOTICE OF OBJECTION

Florida Power & Light Company ("FPL") hereby files this its Notice of Objection to the request by AmeriSteel that the Commission take Judicial Notice on its former ruling on AmeriSteel's petition to intervene and in support thereof states:

1. It appears from the face of AmeriSteel's May 1, 1997 Request that its purpose is not to have the requested judicial notice taken. Instead this is used as a pretext to argue that Order No. PSC-95-1035-PCO-EI is dispositive of AmeriSteel's current petition to intervene and to so argue out of time.

- a) AmeriSteel neither alleges nor cites any authority for the proposition that the Commission may not consider Order No. PSC-95-1035-PCO-EI absent a request for "Judicial Notice."
- b) In fact, AmeriSteel's April 10, 1997 Petition to Intervene had already identified and referred to this Order No. PSC-95-1035-PCO-EI.
- c) Had there been a necessity for a Request that Judicial Notice be taken before the Commission could consider and rely upon one of its own prior orders, then the basis for that necessity would have been identified by AmeriSteel

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in its Request.

- d) Had there been a necessity to Request that Judicial Notice be taken, then the request would not have been used as a vehicle to argue--out of time--on the merits of the requested intervention. Indeed, almost all of AmeriSteel's filing goes to the merits. AmeriSteel's "Request" is really nothing more than an unauthorized Response and revised Petition to Intervene. See Order No. PSC-95-1035-PCO-EI, where the Commission notes that a response to a motion in opposition to a petition to intervene is not contemplated by the Commission's rules.

2. FPL will not present argument addressing the merits of AmeriSteel's contentions absent leave from the Commission to do so because the Commission's procedures do not contemplate the serial filing of pleadings on petitions to intervene.

WHEREFORE, FPL hereby files this Notice of Objection to the Request by AmeriSteel that the Commission take Judicial Notice.

DATED this 6th day of May, 1997.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
Suite 601
215 South Monroe Street
Tallahassee, FL 32301
Attorneys for Florida Power
& Light Company

By: 
Matthew M. Childs, P.A.

**CERTIFICATE OF SERVICE
DOCKET NO. 970410-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Notice of Objection has been furnished by Hand Delivery (*), or U.S. Mail this 6th day of May, 1997, to the following:

Robert V. Elias, Esq.*
Division of Legal Services
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