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FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850
PSC - Records/Reporting

MEMORANDUM

FEBRUARY 5, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (C. KEATING) WCK RVE. JTB
DIVISION OF ELECTRIC & GAS (DUDLEY) K.D. RLT

RE: DOCKET NO. [REDACTED]-EG - PETITION BY FLORIDA POWER & LIGHT
COMPANY FOR MODIFICATION OF RESIDENTIAL BUILDING ENVELOPE
PROGRAM

AGENDA: 02/17/97 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\LEG\WP\970541EG.RCM

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission acknowledge the Florida Apartment Association's letter withdrawing its protest in this docket and make Order No. PSC-97-1481-FOF-EG final and effective?

RECOMMENDATION: Yes. The Commission should acknowledge the Florida Apartment Association's letter withdrawing its protest and make Order No. PSC-97-1481-FOF-EG final and effective as of the date of the Commission's vote on this recommendation.

STAFF ANALYSIS: On May 6, 1997, Florida Power & Light Company (FPL) filed a petition for the Commission's 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, the Commission approved FPL's petition. On December 15, 1997, the Florida Apartment Association (FAA) timely filed a letter

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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 the Commission 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 the Commission to address in this docket. Accordingly, the Commission should acknowledge that FAA has withdrawn its protest and make Order No. PSC-97-1481-FOF-EG final and effective as of the date of the Commission's vote on this recommendation.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, no further issues remain for the Commission to address. Therefore, this docket should be closed.

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no further issues remain for the Commission to address. Therefore, this docket should be closed.