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RECORDS AND
REPORTING

August 14, 1998

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Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
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By Hand Delivery

**Re: Adoption of Numeric Conservation Goals
for Florida Power and Light Company
Docket Numbers 971004-EG, 971005-EG,
971006-EG and 971007-EG**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") in Docket Nos. 971004-EG, 971005-EG, 971006-EG and 971007-EG are the original and fifteen copies of Florida Power & Light Company's Motion To Strike LEAF's Reply To Utility Resonnes To LEAF's Motion For Procedural Order. Also enclosed is an additional copy of the Response which we request that you stamp and return to our runner.

If you or your staff have any questions regarding this transmittal, please contact me at 222-2300.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG 1 *Enc.*
- LEG 1 cc: Counsel for all parties of record
- LIN 5 TAL/25601-1
- JPC _____
- RCH _____
- SEC 1
- WAS _____

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[Signature]
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Very truly yours,

[Signature]
Charles A. Guyton

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Numeric Conservation Goals)
Florida Power & Light Company) Docket No. 971004-EG
Florida Power Corporation) Docket No. 971005-EG
Gulf Power Company) Docket No. 971006-EG
Tampa Electric Company) Docket No. 971007-EG
) Filed: August 14, 1998

**Florida Power & Light Company's Motion To
Strike LEAF's Reply To Utility Responses To
LEAF's Motion For Procedural Order**

Pursuant to Florida Administrative Code Rule 28-106.204, Florida Power & Light Company ("FPL") moves to strike LEAF's Reply To Utility Responses To LEAF's Motion For Procedural Order filed on August 10, 1998. As grounds for this motion, FPL states:

1. LEAF's reply is not contemplated by the procedural rules applicable to this proceeding. LEAF failed to state in its reply the statutory or rule basis for its reply. This omission is telling, for the Uniform Rule Of Procedure governing the filing of motions in this proceeding, Rule 28-106.204, Florida Administrative Code, does not contemplate the filing of a reply to responses to a motion. Rule 28-106.204, Florida Administrative Code provides only for motions and responses in opposition to motions. It does not authorize the filing of replies to responses. LEAF's reply is beyond the scope of the governing rule and should be stricken.

2. Uniform Rule 28-106.204, Florida Administrative Code, supplanted the Commission's procedural rule governing motions and responses, Rule 25-22.037(2), Florida Administrative Code. The Commission's prior rule regarding motions also specifically recognized the filing of motions and the filing of memorandum in opposition. Like Uniform Rule 28-106.204, Florida Administrative Code, Rule 25-22.037(2), Florida Administrative Code did not recognize the

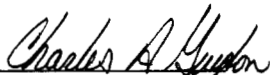
filing of replies to responses to filed motions. On numerous occasions the Commission construed Rule 25-22.037(2), Florida Administrative Code as not contemplating the filing of a reply to a response to a motion and granted motions to strike the replies.¹ The Commission should similarly construe Rule 28-106.204, Florida Administrative Code, find that LEAF's reply is not contemplated by the rule, and strike LEAF's reply.

3. FPL has conferred with all other parties of record and none of those parties other than LEAF has an objection to FPL's motion to strike.

WHEREFORE, FPL respectfully moves the Commission to strike LEAF's Reply To Utility Responses To LEAF's Motion For Procedural Order filed in these dockets on August 10, 1998.

Respectfully submitted,

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By: 
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¹ For example, *In Re: Application for Amendment of Certificate No. 427-W to add territory in Marion County by Windstream Utilities Company*, 97 FPSC 3: 556, 563; *In Re: Application for amendment of Certificate 247-S ...*, 96 FPSC 3:120, 123; *In Re: Application for amendment of Certificate No. 247-S ...*, 97 FPSC 3:110, 114; *In Re: Application for a rate increase in Brevard County by GENERAL DEVELOPMENT UTILITIES, INC. (Port Malabar Division)*, 92 FPSC 4:306, 308.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion To Strike LEAF's Reply To Utility Resonnes To LEAF's Motion For Procedural Order were served by Hand Delivery (when indicated with an *) or mailed this 14th day of August, 1998 to the following:

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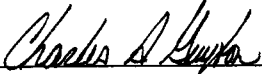
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