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January 21, 1999

Ms. Blanca S. Bayó, Director  
State of Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-8050

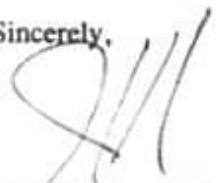
RE: John Charles Heekin v. Florida Power & Light Company  
Case No. 981390-EI

Dear Ms. Bayó:

Enclosed for filing in the above case is an Motion To Intervene.

Thank you for your time and prompt attention.

Sincerely,



John Charles Heekin, Esq.

JCH/st  
Enclosures

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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

IN RE:

the Matter of  
FLORIDA POWER & LIGHT COMPANY

CASE NO. 981390

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MOTION TO INTERVENE

JOHN CHARLES HEEKIN, Petitioner/Complainant in Case No. 981923-EI currently pending before this Honorable Commission, moves to intervene in the above cause and says:

1. Movant is a Petitioner in a related case regarding the misapplication of resources of the Respondent Utility FLORIDA POWER & LIGHT COMPANY resulting in improper charges to the rate base of expenses of wrongful conduct of the Utility.
2. Those allegations should be heard by this Honorable Board in the equity ratio case as they directly affect the operating expenses of the Utility, and therefore, its profit ratio.
3. Pursuant to FAC 28-106.201, and FAC 25-22.039, Movant would respectfully show that he is a customer of the Respondent Utility; that the Utility engaged in the conduct complained of in Case No. 981923-EI consisting of the breaking and entry of his residential premises without legal justification or excuse; the making of willfully false statements to criminal investigators regarding that conduct; and the making of willfully false statements to the trial court in a civil action resulting from the conduct, the substance of which were that the Utility was not bound by the laws of Florida, but rather, that this Honorable Commission had preempted the jurisdiction of the Circuit Court and the criminal authorities of the state. These allegations were false and known by the Utility to be false at the time they were made, and

were subsequently admitted (as to the criminal jurisdiction) by one of its officers as being false, yet the Utility persisted in bad faith litigation, squandering significant monies on a frivolous defense of a matter in which the Utility was clearly liable and in the making of false statements regarding the jurisdiction of the Circuit Court which the Utility had actual knowledge were false.

4. Movant is directly affected, both by the burglary of his premises by the agent of the Respondent Utility and by the imposition on him of the expense of this and other frivolous litigation undertaken by the Utility denominated by it as an expense of doing business.

5. The name and address of the Respondent are

FLORIDA POWER & LIGHT COMPANY  
9250 West Flagler Street  
Miami, Florida 33174

The name and address of Movant are

JOHN CHARLES HEEKIN  
P.O. Box 2434  
Port Charlotte, FL 33949-2434  
941-627-0333

6. The agency determination in the equity ratio case will directly affect the Petitioner in the form of the amount of utility expense he is required to pay; the posture of the Respondent Utility in the litigation regarding the breaking of his residential premises and payment for same; and will directly affect others against whom the Utility litigates in bad faith in similar circumstances, the names and addresses of which it has thus far refused to furnish despite reasonable request.

WHEREFORE, John Charles Heekin respectfully prays that this Honorable

Commission will allow him to intervene and be heard on the foregoing matters; that the Commission will authorize discovery on the extent to which the Respondent Utility expends funds charged to the public as alleged expense of doing business to the frivolous defense of the legitimate actions against it; to extent to which the Utility expends funds on the defense of its employees in matters completely unrelated to the transmission of the furnishing of electrical service; for his costs and a reasonable attorney's fee, and such other and further relief as the Commission shall deem proper and just.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished on Respondent FLORIDA POWER & LIGHT COMPANY, c/o Joaquin E. Leon, as Registered Agent, 9250 W. Flagler Street, Miami, Florida 33174 to by U.S. Mail this 21 day of January 1999.



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