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President



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JOHNNIE BYRD
Speaker



Stephen C. Burgess
Deputy Public Counsel

May 11, 2004

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

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MAY 11 PM 3:17
COMMISSION
CLERK

RE: Docket No. 040206-EI

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Prehearing Statement for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Burgess
Deputy Public Counsel

OMP _____
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CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

05477 MAY 11 3

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Turkey
Point Unit 5 electrical power plant, by Florida
Power & Light Company.

DOCKET NO. 040206-EI
FILED: May 11, 2004

CITIZENS' PREHEARING STATEMENT

The Citizens of the State of Florida, through their attorney, the Public Counsel,
pursuant to Order No. PSC-04-0325-PCO-EI, hereby file this Prehearing Statement.

A. WITNESSES

The Citizens do not intend to call any witnesses.

B. EXHIBITS

At this time, the Citizens have no exhibits to be used in this docket.

C. BASIC POSITION

As Petitioner, Florida Power and Light Company (FPL) has the burden to
demonstrate that its proposal for Turkey Point Unit 5 meets the requirements of Section
403.519, Florida Statutes, and Rules 28-22.080, 25-22.081 and 25-22.082, Florida
Administrative Code.

D., E., & F., ISSUES

Whether FPL's proposal for Turkey Point Unit 5 meets the requirements of
Section 403.519, Florida Statutes, and Rules 28-22.080, 25-22.081 and 25-22.082,
Florida Administrative Code. At this time the Citizens have no position on this issue.

G. STIPULATED ISSUES

The Citizens are not aware of any stipulated issues.

DOCUMENT NUMBER-DATE

05477 MAY 11 3

FPSC-COMMISSION CLERK

H. PENDING MOTIONS

The Citizens have filed a Notice of Intervention in this docket on May 10, 2004.

I. CONFIDENTIAL DOCUMENTS

The Citizens have no pending claims of confidentiality.

J. COMPLIANCE REQUIREMENTS

The Citizens believe they can comply with the requirements of Order No. PSC-04-0325-PCO-EI.

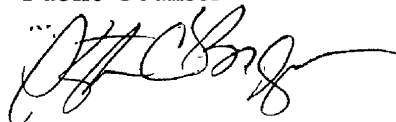
K. OBJECTIONS TO WITNESS QUALIFICATIONS

The Citizens do not intend to object to the qualifications of the experts who have offered prefiled testimony in this docket.

WHEREFORE, the Citizens of the State of Florida hereby file this Prehearing Statement.

RESPECTFULLY SUBMITTED this 11th day of May, 2004.

HAROLD MCLEAN
Public Counsel



STEPHEN C. BURGESS
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Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
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(850) 488-9330

Attorneys for the Citizens of the
State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 040206-EI**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing
CITIZENS' PREHEARING STATEMENT has been furnished by hand-delivery* or U.S.

Mail to the following parties of record this 11th day of May, 2004:

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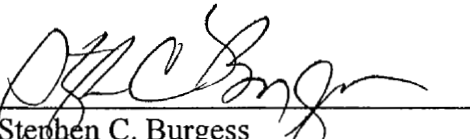
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