

Section 1 - Bureau of Records Completes

Docket No. 040582-EI Date Docketed: 06/21/2004 Title: Petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company.

Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("C" indicates OPR)

Expiration: _____

CCA	CMP	(ECR)	FLL	GCL	MMS	PIF	RCA	SCR
		X		X				

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A3(d)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

Staff Counsel

OCRs

	Current CASR revision level	Due Dates	
		Previous	Current
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Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: _____

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
 Date: _____

14674-04

Section 1 - Bureau of Records Completes

Docket No. 040582-EI Date Docketed: 06/21/2004 Title: Petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company.

Company: Florida Power & Light Company

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("C)" indicates OPR)

CCA	CMP	(ECR)	FLL	GCL	MMS	PIF	RCA	SCR
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Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A3(d)

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff J Breman

Staff Counsel M Stern

OCRs _____

Current CASR revision level

Due Dates
 Previous Current

1. Staff Recommendation	NONE	08/19/2004
2. Agenda	NONE	08/31/2004
3. PAA Order - Close if No Protest	NONE	09/20/2004
4. Consummating Order if No Protest	NONE	10/14/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 06/30/2004

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BIB/hw
 Date: 06/30/2004

C

Section 1 - Bureau of Records Complete

Docket No. 040582-EI Date Docketed: 06/21/2004 Title: Petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company.

Company: Florida Power & Light Company

Official Filing Date: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("C)" indicates OPR)

Expiration: _____

CCA	CMP	(ECR)	FLL	GCL	MMS	PIF	RCA	SCR
		X		X				

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module A3(d)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff J Breman

Staff Counsel M Stern

OCRs _____

1 Current CASR revision level

Due Dates
 Previous Current

1. Staff Recommendation	08/19/2004	08/26/2004
2. Agenda	08/31/2004	09/07/2004
3. PAA Order - Close if No Protest	09/20/2004	09/27/2004
4. Consummating Order if No Protest	10/14/2004	10/21/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 07/20/2004

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
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- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
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Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: 1313/RW
 Date: ~~Pending~~ 8/02/04

Section 1 - Bureau of Records Completes

Docket No. 040582-EI Date Docketed: 06/21/2004 Title: Petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company.
 Company: Florida Power & Light Company

Official Filing Date:
 Last Day to Suspend:

Expiration:

Referred to:

CCA	CMP	(ECR	FLL	GCL	MMS	PIF	RCA	SCR
		X		X				

("O") indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A3(d)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

Due Dates

OPR Staff	J Breman	2	Current CASR revision level		
			Previous	Current	
		1.	Staff Recommendation	08/26/200	09/09/2004
		2.	Agenda	09/07/200	09/21/2004
		3.	PAA Order - Close if No Protest	09/27/200	10/11/2004
		4.	Consummating Order if No Protest	10/21/200	11/04/2004
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OCRs		11.			
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Recommended assignments for hearing and/or deciding this case:		30.			
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Full Commission <input checked="" type="checkbox"/> Commission Panel		33.			
Hearing Examiner <input type="checkbox"/> Staff		34.			
		35.			
Date filed with CCA: <u>08/19/2004</u>		36.			
		37.			
Initials: OPR		38.			
Staff Counsel		39.			
		40.			

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Prehearing Officer

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	JB	BD	DV		
X							

Commissioners					ADM
BZ	DS	JB	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: 13B1 hws
 Date: Pending 9/01/04

Section 1 - Bureau of Records Completes

Docket No. 040582-EI Date Docketed: 06/21/2004 Title: **Petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company.**
 Company: Florida Power & Light Company

Official Filing Date: _____

Expiration: _____

Last Day to Suspend: _____

Referred to:

CCA CMP (ECR) FLL GCL MMS PIF RCA SCR

("O" indicates OPR)

		X		X				
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Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A3(d)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT
 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff J Breman

3 Current CASR revision level

Due Dates
 Previous Current

Staff Counsel M Stern

OCRs

1.	Staff Recommendation	09/09/2004	09/23/2004
2.	Agenda	09/21/2004	10/05/2004
3.	PAA Order - Close if No Protest	10/11/2004	10/25/2004
4.	Consummating Order if No Protest	11/04/2004	11/18/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel
 Hearing Staff

Date filed with CCA: 09/09/2004

Initials OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	JB	BD	DV		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
		X			

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB [Signature]

Date: Pending 9/14/04

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION
CLERK & ADMINISTRATIVE
SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

June 23, 2004

John T. Butler, Esquire
Steel Hector & Davis LLP
200 South Biscayne Boulevard, Suite 400
Miami, Florida 33131-2398

Re: Docket No. 040582-EI

Dear Mr. Butler:

This will acknowledge receipt of a petition for approval of recovery through environmental cost recovery clause of costs associated with Clean Water Act section 316(b) Phase II rule project, by Florida Power & Light Company, which was filed in this office on June 21, 2004, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

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1467404

Marguerite Lockard

PSC-04-0709-PCO-EI

From: Mary Diskerud
Sent: Monday, July 19, 2004 3:07 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

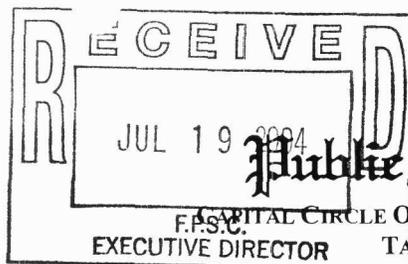
Date and Time: 7/19/2004 3:07:00 PM
Docket Number: 040582-EI
Filename / Path: 040582OPC.mks.doc

Copied to gcorders

2 pgs

211

State of Florida



Public Service Commission

F.P.S.C. CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 19, 2004
TO: Richard D. Melson, General Counsel
Mary Andrews Bane, Executive Director ✓
FROM: Felicia R. Banks, Senior Attorney, General Counsel FRB
RE: Contacts Regarding Possible Employment

This notice is being provided pursuant to Section 5.02C of the Commission's Administrative Procedures Manual.

On Tuesday, July 13, 2004, Harold McLean contacted me by phone regarding possible employment opportunities with the Office of Public Counsel (OPC). Discussions regarding employment with OPC are ongoing.

Cc: Beth Keating, Attorney Supervisor, General Counsel

State of Florida



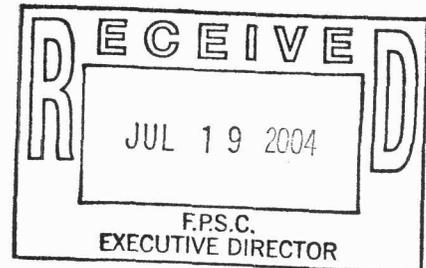
Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

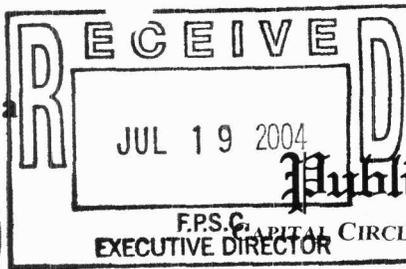
-M-E-M-O-R-A-N-D-U-M-

DATE: July 19, 2004
TO: Mary Andrews Bane, Executive Director
Richard D. Melson, General Counsel
FROM: Jennifer S. Brubaker, Senior Attorney, General Counsel *JSB*
RE: Notification pursuant to APM 5.02-8(1)(a)

In compliance with the requirements of APM 5.02-8(1)(a), this serves to notify you that I was informed by Harold McLean, Public Counsel for the State of Florida, of an employment opportunity that would soon be available in the Office of the Public Counsel. I have declined to pursue the opportunity.



State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 19, 2004

TO: Dr. Mary Bane, Executive Director
Richard D. Melson, General Counsel
David E. Smith, Attorney Supervisor, General Counsel

FROM: Marlene K. Stern, Senior Attorney, General Counsel *MKS*

RE: Contact with the Office of Public Counsel

Section 5.02.C of the Administrative Procedures Manual requires that an employee, who exercises regulatory responsibility, report any contact with a party to a proceeding, when that contact is related to employment by the party. Harold McLean, the Public Counsel, recently contacted me about employment in the Office of Public Counsel. The Office of Public Counsel is a party to the following open dockets to which I am assigned:

1. Docket No. 040007-EI – Environmental Cost Recovery Clause (ECRC);
2. Docket No. 040582-EI – Petition by Florida Power & Light for Approval of Recovery Through the ECRC of Costs Associate With Section 316(b) of the Clean Water Act; and,
3. Docket No. 040472 - Petition by Progress Energy Florida for Approval of Recovery Through the ECRC of Costs Associate With Section 316(b) of the Clean Water Act.

Docket No. 040007-EI is the docket for the annual hearing in the Environmental Cost Recovery Clause. The other two dockets are PAA dockets pertaining to the ECRC.

If you need additional information on this contact with the Public Counsel, or the dockets listed above, please let me know.

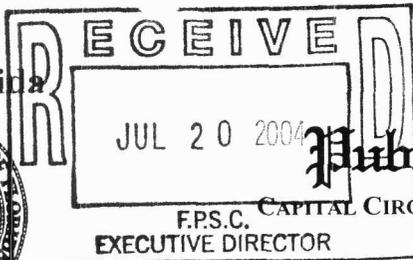
Blanca:

Please notify parties to any dockets on which Ms. Stern is assigned.

Mary A. Bane, Executive Director

See note on memo from Rick Melson

State of Florida



Public Service Commission

F.P.S.C. CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

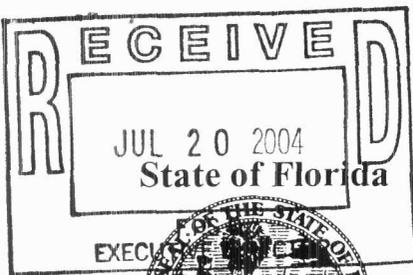
DATE: July 20, 2004
TO: Mary Andrews Bane, Executive Director
Richard D. Melson, General Counsel
FROM: Adrienne E. Vining, Senior Attorney, General Counsel *AEV*
RE: Report of Receipt of Contact Regarding Employment as Outlined in APM Sections
5.02(C)(1)(a) and (b)

Pursuant to Sections 5.02(C)(1)(a) and (b) of the Administrative Procedures Manual, I am reporting that I was contacted by Harold McLean regarding an attorney position with the Office of Public Counsel. I have not declined to be considered for the position.

Blanca, Please process the four "notice of contact" memos as recommended by Mr. Nelson in this memorandum.

WAB

7/20/04



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-PSC
JUL 21 11 45 AM '04
COMMISSION
ADMINISTRATIVE SERVICES

DATE: July 20, 2004
TO: Mary Andrews Bane, Executive Director
FROM: Richard D. Melson, General Counsel *RM*
RE: Contacts Regarding Employment

Four attorneys in my office have recently received contacts from the Office of Public Counsel regarding potential employment by that agency. This is my recommendation under Section 5.02(C)(1)(b) regarding changes in work assignments and/or notification to parties in dockets involving OPC to which these lawyers are assigned.

1. Jennifer Brubaker declined to pursue the opportunity with OPC. I therefore recommend no change in work assignments and no notice to parties in any of the dockets to which she is assigned.

2. Felicia Banks is assigned to only one docket to which OPC is a party (Docket No. 030869-TL). That case is now on appeal and Ms. Banks does not have any responsibility for the appeal. I therefore recommend no change in work assignments and no notice to parties to that docket.

3. Marlene Stern is assigned to the four dockets to which OPC is a party. I recommend no change in work assignments, but do recommend that notice of the contact be given to the parties to those four dockets:

OFFICIAL FILE COPY	Docket No. 040007-EI	Environmental Cost Recovery Clause
DIRECTOR _____		
AA _____	Docket No. 040086-EI	Petition by Allied Universal to Vacate Order Approving Settlement Agreement with Tampa Electric Company
ASSIST. DIR _____		
FIS _____		
ADM _____	Docket No. 040472-EI	Petition by Progress Energy Florida for Approval of Recovery Through the ECRC of Costs Associated with Section 316(b) of the Clean Water Act
HR _____		
GS _____		
ITS _____		
RCH <i>Kay</i> _____		
REP _____		
OTHER _____		
DATE <i>7/21/04</i>		
FROM <i>BSB/ep</i>		

Please handle.

Docket No. 040582-EI

Petition by Florida Power & Light for Approval of Recovery Through the ECRC of Costs Associated with Section 316(b) of the Clean Water Act

I further recommend that the notice simply state that Ms. Stern “has advised the Commission that she was contacted by the Office of Public Counsel regarding her interest in being considered for employment to fill a vacancy in that office.”

4. Adrienne Vining is assigned to three dockets to which OPC is a party. I recommend no change in work assignments, but do recommend that notice of the contact be given to the parties to those three dockets:

Docket No. 000694-WS

Petition by Water Management Services, Inc. for limited proceeding to increase water rates in Franklin County

Docket No. 040001-EI

Fuel and purchased power cost recovery clause with generating performance incentive factor

Docket No. 040007-EI

Environmental Cost Recovery Clause

I further recommend that the notice simply state that Ms. Vining “has advised the Commission that she was contacted by the Office of Public Counsel regarding her interest in being considered for employment to fill a vacancy in that office.”

Please let me know if you would like to discuss these recommendations.

RDM:mee

040582-EI

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

July 21, 2004

Parties of Record in
Dockets 040007-EI,
040086-EI, 040472-EI,
and 040582-EI

**Re: Reporting Requirement for Employees Exercising Regulatory
Responsibility**

Dear Sir or Madam:

Pursuant to Section 5.02 C.1.b. of the Commission's Administrative Procedures Manual, you are hereby notified that Marlene Stern, Senior Attorney in the Office of General Counsel, has advised the Commission that she was contacted by the Office of Public Counsel regarding her interest in being considered for employment to fill a vacancy in that office.

Sincerely,

Blanca S. Bayó
Blanca S. Bayó

BSB:kf

cc: Mary A. Bane, Executive Director
Richard Melson, General Counsel
David Smith, Attorney Supervisor
Marlene Stern, Senior Attorney

Kay Flynn

040582

From: Ruth Nettles
Sent: Monday, July 26, 2004 3:08 PM
To: Kay Flynn
Subject: RE: FPL Filing - Docket 040582

That's good news. Thanks for letting me know.

From: Kay Flynn
Sent: Monday, July 26, 2004 3:07 PM
To: Ruth Nettles
Subject: RE: FPL Filing - Docket 040582

Thanks, Ruth. She just called me back. They haven't been able to find any record of it going out of their mailroom, though they were billed for it. She is going to continue checking on her end and will call me back if they find it was sent and signed for by the PSC. If I don't hear from her, that means she is simply going to prepare and send the filing again.

From: Ruth Nettles
Sent: Monday, July 26, 2004 2:36 PM
To: Kay Flynn
Subject: FPL Filing

Kay, I had a telephone call from Demeris Rodriguez from FPL in Miami. She's been checking on the website for her filing that they FedEx to us and it hasn't posted so she's following up with us to see if can locate this filing. I asked her to see if she can track down the person who signed the FedEx bill, so she'll be getting back to us if she finds a PSC name. But she asked that if we could check to see if maybe the filing is pending somewhere here in the Commission. The filing the updated version of 316 Clean Water Act from Federal Register, in re Docket 040582. I told her that I would pass this down to you. Her telephone number is 305-552-2193. thanks.

7/26/2004

CCA Official Filing

10/11/2004 10:02 AM*****

Matilda Sanders1

Matilda Sanders

0987 - PAA

From: Andrea Cowart
Sent: Monday, October 11, 2004 9:54 AM
To: CCA - Orders / Notices; Marlene Stern
Subject: Order / Notice Submitted

Date and Time: 10/11/2004 9:53:00 AM
Docket Number: 040582-EI
Filename / Path: 040582or.mks.doc

Order Granting Cost Recovery Through the Environmental Cost Recovery Clause

311



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: October 19, 2004

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NOS. 040582-EI & 040472-EI, AGENDA HELD 10/05/04.

RE: PETITION FOR APPROVAL OF RECOVERY THROUGH ENVIRONMENTAL COST RECOVERY CLAUSE OF COSTS ASSOCIATED WITH CLEAN WATER ACT SECTION 316(b) PHASE II RULE PROJECT, BY FLORIDA POWER & LIGHT COMPANY.

PETITION FOR APPROVAL OF COST RECOVERY FOR NEW ENVIRONMENTAL PROGRAM NECESSITATED BY U.S. ENVIRONMENTAL PROTECTION AGENCY'S ADOPTION OF RULES ESTABLISHING NEW REQUIREMENTS FOR COOLING WATER INTAKE STRUCTURES AT EXISTING ELECTRIC POWER GENERATING FACILITIES UNDER SECTION 316(b) OF CLEAN WATER ACT, BY PROGRESS ENERGY FLORIDA, INC.

DOCUMENT No: 11195-04, 10/18/04

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

A handwritten signature in black ink, appearing to be "JF", written over a horizontal line.

JF/rlm

CCA Official Filing

11/4/2004 10:10 AM*****

Matilda Sanders1

Matilda Sanders

1082 - CO

From: Mary Diskerud
Sent: Thursday, November 04, 2004 9:54 AM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

2

Date and Time: 11/4/2004 9:54:00 AM
Docket Number: 040582-EI
Filename / Path: 040582co.mks.doc

Copied to gcorders

3/1