

STEEL
HECTOR
DAVIS

September 9, 1997

Steel Hector & Davis LLP
215 South Monroe, Suite 601
Tallahassee, Florida 32301-1804
904.222.2300
904.222.8410 Fax

ORIGINAL
FILE COPY

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

Charles A. Guyton
904.222.2423

By Hand Delivery

Re: Docket No. 970898-EG

Dear Ms. Bayó:

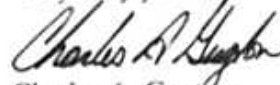
On August 25, 1997 our firm filed on behalf of Florida Power & Light Company ("FPL") a motion for leave to file an amicus curiae memorandum of law and an amicus curiae memorandum of law in Docket No. 970898-EG. On September 5, 1997 Lee County filed a response to FPL's memorandum of law. The purpose of this letter is to correct a mistake pointed out by Lee County in its response to FPL's memorandum of law.

In its response Lee County states that FPL mischaracterized Rule 25-17.0021(3), Florida Administrative Code when FPL stated in its memorandum that the rule specifies a list of "conservation measures." Lee County is correct that Rule 25-17.0021(3) does not define the term "conservation measure" or provide a list of measures. In making that statement, FPL's attorney unintentionally confused Rule 25-17.0021(3) with the Rule 25-17.003, which immediately follows it and which does provide a definition of "conservation measures" and a list of measures. (I missed the intervening rule title. Both rules implement FEECA, but they are different rules.)

Given that it is FPL's intention to aid the Commission's deliberation and consideration rather than confuse matters, FPL wishes to withdraw the paragraph in its memorandum of law which begins at the bottom of page 6 and ends at the top of page 7. It is factually inaccurate as Lee County points out, and it should not be relied upon by the Commission.

FPL stands by the remainder of its factual and legal assertions in its memorandum of law and apologizes to the Commission and Lee County for the error in misreading the rule in question.

Very truly yours,


Charles A. Guyton

- ACK _____
- AFA _____
- APP 1
- CAF _____
- GMU _____
- CTR _____
- EAG 1
- LEG _____
- LIT: 5
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- QTH _____

TAL/21890-1
cc: Robert Scheffel Wright, Esq
David M. Owen, Esq
Mary Anne Helton, Esq
Gail Kamaras, Esq.

Miami
305.577.7000
305.577.7001 Fax

West Palm Beach
561.650.7200
561.655.1509 Fax

Key West
305.292.7272
305.292.7271 Fax

DOCUMENT NUMBER-DATE

09039 SEP-96

FPSC-RECORDS/REPORTING