

Timolyn Henry

From: Rhonda Dulgar [rdulgar@yvlaw.net]
Sent: Friday, October 06, 2006 3:55 PM
To: Filings@psc.state.fl.us
Subject: Electronic Filing - Docket 060150-EI

Attachments: TPB.Withdrawal.MotionforAbeyance.Oct06.doc



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a. Person responsible for this electronic filing:

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225 South Adams Street, Suite 200
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b. Docket No. 060150-EI

In Re: Petition for approval of revisions to contributions-in-aid-of-construction definition in Section 12.1 of First Revised Tariff Sheet No. 6.300, by Florida Power & Light Company.

c. Document being filed on behalf of the Town of Palm Beach, Florida.

d. There are a total of 4 pages.

e. The document attached for electronic filing is The Town of Palm Beach, Florida's Notice of Withdrawal of Motion to Hold Proceedings in Abeyance.

(see attached file: TPB.Withdrawal.MotionforAbeyance.Oct06.doc)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar
Secretary to Jay LaVia
Phone: 850-222-7206
FAX: 850-561-6834

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of)
Revisions to Contribution-in-Aid-of) Docket No: 060150-EI
Construction Definition in Section)
12.1 of First Revised Tariff Sheet) Filed: October 6, 2006
No. 6.300, by Florida Power & Light)
Company)
_____)

THE TOWN OF PALM BEACH, FLORIDA'S NOTICE OF WITHDRAWAL OF MOTION TO HOLD PROCEEDINGS IN ABEYANCE

The Town of Palm Beach, Florida ("Palm Beach" or "Town"), an intervenor party in this docket, hereby withdraws its Motion to Hold Proceedings in Abeyance filed on September 6, 2006, and gives notice of that withdrawal to all parties.

In summary, the Town's Motion requested that the Commission issue an order holding further action by the Staff or the Commission in this docket in abeyance, pending the completion of a comprehensive engineering life cycle cost-effectiveness study of underground vs. overhead distribution facilities that is presently under way and that is being funded in part by the Town. Specifically, the Town of Palm Beach asked the Commission to defer any Staff recommendation or Commission action on this matter for approximately 75 days, such that it would not come before the Commission at an agenda conference before December 19, 2006. FPL responded that it did not object to the requested re-scheduling of events in this docket, subject to the Town's furnishing a copy of the subject cost-effectiveness study at an earlier date than had been contemplated by the Town. Following productive discussions between counsel for the Town and for FPL, the Town and FPL have agreed that the Town will furnish a copy

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FPSC-COMMISSION CLERK

of the study, either electronically or via hand delivery to FPL's Tallahassee offices, by 12:00 Noon on Monday, November 6, 2006; that the Town will respond, subject to any proper objections, to discovery requests posed by FPL to the Town concerning the study electronically or by hand delivery to said office within 20 days of FPL's electronic service of such discovery; and that FPL will on October 20, 2006 serve its answers to the Town's second set of interrogatories answers electronically and make the documents responsive to the Town's second request for production of documents available for review in Tallahassee.

Accordingly, based on this agreement and on the Town's understanding that the matter will not be taken up at an agenda conference before December 19, 2006, the Town hereby withdraws its Motion for Abeyance and gives notice of such withdrawal to all parties. The undersigned has conferred with counsel for FPL and is authorized to represent that the foregoing accurately represents FPL's understanding of the procedural matters discussed herein.

Respectfully submitted this 6th day of October, 2006.

S/John T. LaVia, III
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John T. LaVia, III
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Attorneys for the Town of Palm Beach,
Florida

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Town of Palm Beach's Notice of Withdrawal has been furnished by electronic mail and U.S. Mail this 6th day of October, 2006, to the following:

Jennifer Brubaker
Mary Anne Helton
William Cochran Keating, IV
Roseanne Gervasi
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Division of Legal Services
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S/John T. LaVia, III
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