STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
J. TERRY DEASON
ISILIO ARRIAGA
MATTHEW M. CARTER II
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DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES
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Hublic Service Commission

March 6, 2006

Thomas D. Hall, Clerk Supreme Court of Florida Supreme Court Building Tallahassee, Florida 32301

Re: Supreme Court Case No. SC05-2172 – Ocean Properties, Ltd. and Dillards, Inc. vs. Rudolph "Rudy" Bradley, Chairman, et al. (Docket No. 030623-EI)

Dear Mr. Hall:

The record in the above-referenced case, consisting of eight bound volumes, two hearing transcripts, and two pouches of hearing exhibits is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Do not hesitate to call me at 413-6744 if you have any questions concerning the contents of this record.

Sincerely,

Kay Flynn,

Chief of Records

KF:mhl

Enclosure

cc: Jon C. Moyle, Jr., Esquire
William H. Hollimon, Esquire
Kenneth Hoffman, Esquire
J. Stephen Menton, Esquire
Natalie F. Smith, Esquire
David Smith, Office of the General Counsel
Richard Bellak, Office of the General Counsel

DOCUMENT NUMBER-DATE O 1642 FEB 20 5

Ocean Properties, Ltd. and Dillards, Inc.
vs.
Rudolph "Rudy" Bradley, Chairman, et al.
FPSC Docket No. 030623-EI
Supreme Court Case No. SC05-2172

Progress Docket
Request to establish docket, by Florida Public Service Commission's ("Commission") staff, filed July 16, 2003
Memorandum dated July 18, 2003 from Cochran Keating, Commission, to Bill Feaster, Florida Power & Light Company ("FPL"); Ken Hoffman, Rutledge Ecenia Purnell & Hoffman, P.A. ("Rutledge Ecenia"); George Brown, Southeastern Utility Service, Inc. ("SUSI"); and Charlie Beck, Office of Public Counsel ("OPC"), advising of July 24, 2003 meeting, filed July 21, 2003
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DOCKET NO. 030623-EI

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ATTORNEYS FOR APPELLEES

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Memorandum dated October 21, 2004 from Commission's Office of the General Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Division of the Commission Clerk and Administrative Services, filed October 21, 2004
FPL's notice of withdrawal of motion to dismiss Customers' petition for variance or waiver of Rule 25-6.103(3), F.A.C., filed October 29, 2004
Order PSC-04-1069-PCO-EI denying motion for protective order, granting motion to compel, denying motion for sanctions, and denying request for confidentiality ruling, issued November 1, 2004
PAA Order PSC-04-1167-PAA-EI denying petition for variance or waiver of rule, issued November 23, 2004
FPL's posthearing brief, filed December 16, 2004
Customers' posthearing brief, filed December 16, 2004
Consummating Order PSC-04-1261-CO-EI, issued December 20, 2004
Notice of disposition of petition for variance or waiver of Rule 25-6.103(3), F.A.C., from Customers for publication in January 28, 2005 Florida Administrative Weekly, filed January 19, 2005

Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Division of the Commission Clerk and Administrative Services, filed January 20, 2005	
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2540 Shumard Oak Boulevard
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ATTORNEYS FOR APPELLANTS

Ocean Properties, Ltd. and Dillards, Inc.

VS.

Braulio L. Baez, Chairman, et al. FPSC Docket No. 030623-EI Supreme Court Case No. SC05-2172

Progress Docket
Request to establish docket, by Florida Public Service Commission's ("Commission")
staff, filed July 16, 2003
Memorandum dated July 18, 2003 from Cochran Keating, Commission, to Bill Feaster, Florida Power & Light Company ("FPL"); Ken Hoffman, Rutledge Ecenia Purnell & Hoffman, P.A. ("Rutledge Ecenia"); George Brown, Southeastern Utility Service, Inc. ("SUSI"); and Charlie Beck, Office of Public Counsel ("OPC"), advising of July 24, 2003 meeting, filed July 21, 2003
Memorandum dated July 21, 2003 from Sid Matlock, Commission, to Division of the Commission Clerk and Administrative Services with attached Lotus table listing customers and meter locations; CATS files; responses to CATS files; and correspondence and E-mails received from George Brown, SUSI, on behalf of various customers, to be placed in docket file, filed July 22, 2003
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[Continuation of] Memorandum dated July 21, 2003 from Sid Matlock, Commission, to Division of the Commission Clerk and Administrative Services with attached Lotus table listing customers and meter locations; CATS files; responses to CATS files; and correspondence and E-mails received from George Brown, SUSI, on behalf of various customers, to be placed in docket filed, filed July 22, 2003
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Ocean Properties, Ltd. and Dillards, Inc.,)
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) Case No. SC05-2172
vs.)
) Volume 3
Rudolph "Rudy" Bradley, Chairman, et al.,)
Appellees.)
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TRANSCRIPT OF RECORD IN THE MATTER OF:

Complaints by Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc. against Florida Power & Light Company concerning thermal demand meter error.

DOCKET NO. 030623-EI

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Order PSC-04-0911-PCO-EI granting stipulated motion to re-file direct testimony and granting motion to withdraw notice of intent, issued September 17, 20041,129
First Order PSC-04-0912-PCO-EI revising order establishing procedure and granting request for extension of time to file rebuttal testimony, issued September 17, 20041,132
Customers' response to FPL's motion to dismiss Customers' petition for variance or waiver of Rule 25-6.103(3), F.A.C., filed September 20, 2004
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Order PSC-04-0922-PCO-EI granting in part and denying in part motion to compel, issued September 21, 2004
Order PSC-04-0928-PCO-EI denying motion to strike rebuttal testimony, issued September 22, 2004
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Notice of November 4, 2004 hearing for publication in October 15, 2004 Florida Administrative Weekly, filed October 7, 2004

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Customers' motion for reconsideration of Order No. PSC-04-0934-PCO-EI, filed October 4, 2004
Customers' motion for reconsideration of Order No. PSC-04-0932-PCO-EI, filed October 4, 2004
Notice of rescheduled Commission hearing set for November 4, 2004, issued October 5, 2004
Notice of November 4, 2004 hearing for publication in October 15, 2004 Florida Administrative Weekly, filed October 7, 2004

Order PSC-04-0992-PCO-EI denying motion and cross-motion for partial summary final order, issued October 11, 2004
FPL's response in opposition to Customers' motion for reconsideration of Order No. PSC-04-0932-PCO-EI, filed October 11, 2004
FPL's response in opposition to Customers' motion for reconsideration of Order No. PSC-04-0934-PCO-EI, filed October 11, 2004
Memorandum dated October 21, 2004 from Commission's Office of the General Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Division of the Commission Clerk and Administrative Services, filed October 21, 2004
Memorandum dated October 21, 2004 from Commission's Office of the General Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Division of the Commission Clerk and Administrative Services, filed October 21, 2004
FPL's notice of withdrawal of motion to dismiss Customers' petition for variance or waiver of Rule 25-6.103(3), F.A.C., filed October 29, 2004
Order PSC-04-1069-PCO-EI denying motion for protective order, granting motion to compel, denying motion for sanctions, and denying request for confidentiality ruling, issued November 1, 2004
PAA Order PSC-04-1167-PAA-EI denying petition for variance or waiver of rule, issued November 23, 2004
FPL's posthearing brief, filed December 16, 2004
Customers' posthearing brief, filed December 16, 2004
Consummating Order PSC-04-1261-CO-EI, issued December 20, 2004
Notice of disposition of petition for variance or waiver of Rule 25-6.103(3), F.A.C., from Customers for publication in January 28, 2005 Florida Administrative Weekly, filed January 19, 2005

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Memorandum dated January 20, 2005 from Commission's Office of the General Counsel and Divisions of Economic Regulation and Regulatory Compliance and Consumer Assistance to Division of the Commission Clerk and Administrative Services, filed January 20, 2005
Final Order PSC-05-0226-FOF-EI resolving complaints, issued February 25, 20051,438
Customers' motion for reconsideration of Order No. PSC-05-0226-FOF-EI, filed March 14, 2005
FPL's response in opposition to Customers' motion for reconsideration, filed March 21, 2005
Memorandum dated September 22, 2005 from Commission's Office of the General Counsel and Division of Economic Regulation to Division of the Commission Clerk and Administrative Services, filed September 22, 2005
Order PSC-05-1034-FOF-EI denying motion for reconsideration, issued October 21, 2005
Notice of appeal, on behalf of Ocean Properties, Ltd. and Dillards, Inc., filed November 18, 2005
Supreme Court of Florida acknowledgment of new case, Case No. SC05-2172, filed December 15, 2005
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Transcript of Hearing held November 4, 2004, Volume 2, pages 217 through 430
Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 from November 4, 2004 Hearing