

Diamond Williams

110018-EU

From: Lowe, Amy [Amy.Lowe@fpl.com]
Sent: Wednesday, March 02, 2011 4:42 PM
To: Filings@psc.state.fl.us
Cc: Larry Harris; danlarson@bellsouth.net; richzambo@aol.com; marsha@reuphlaw.com; Anderson, Bryan; Cox, Will P.; Donaldson, Kevin
Subject: Electronic Filing in Docket #110018-EU
Attachments: FPL SWA Response to Larson Motion 030211.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Bryan S. Anderson, Esq.
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b. Docket No. 110018-EU

In Re: Joint petition for modification to determination of need for expansion of an existing renewable energy electrical power plant in Palm Beach County by Solid Waste Authority of Palm Beach County and Florida Power & Light Company, and for approval of associated regulatory accounting and purchased power agreement cost recovery.

c. The documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of three (3) pages.

e. The document attached for electronic filing is:

Solid Waste Authority of Palm Beach County and Florida Power & Light's Joint Response in Opposition to Motion to Strike

See attached file(s):

FPL SWA Response to Larson Motion 030211.pdf

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3/2/2011

DOCUMENT NUMBER-DATE
 01420 MAR-2 =
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for Modification to)
Determination of Need for Expansion of an Existing)
Renewable Energy Electrical Power Plant in Palm)
Beach County by Solid Waste Authority of Palm)
Beach County and Florida Power & Light Company,)
And for Approval of Associated Regulatory)
Accounting and Purchased Power Agreement)
Cost Recovery)
_____)

Docket No. 110018-EU
Date: March 2, 2011

**SOLID WASTE AUTHORITY OF PALM BEACH COUNTY AND
FLORIDA POWER & LIGHT COMPANY'S JOINT
RESPONSE IN OPPOSITION TO MOTION TO STRIKE**

Pursuant to Rule 28-106.201, Florida Administrative Code, Solid Waste Authority ("SWA") and Florida Power & Light Company ("FPL") (together, "Joint Petitioners"), hereby respectfully respond in opposition to the Motion filed by Mr. and Mrs. Daniel Larson (the "Larsons"), and state as follows:

1. On February 21, 2011, Joint Petitioners filed their Joint Motion for Leave to File Response in Opposition to Petition to Intervene (the "Joint Motion"). Thereafter, on February 25, 2011, the Larsons filed their Motion in Opposition to Untimely Response, including their Motion to Strike the Joint Motion.

2. Pursuant to Rule 1.140, Florida Rules of Civil Procedure, a party may move to strike matters that are redundant, immaterial, impertinent, or scandalous – none of which terms apply to the Joint Motion. To the contrary, in the Joint Motion, the Joint Petitioners correctly and properly seek the Commission's leave to respond to the Larson's Petition to Intervene, expressing their concern that the Larsons' intervention may be intended for an improper

purpose¹. The Larsons fail to identify any portion of the Joint Motion that is redundant, immaterial, impertinent, or scandalous. No party or interested person involved in this docket would be prejudiced by denying the Larson's Motion.

3. For the reasons set forth above, the Larson's Motion should be denied.

Respectfully submitted on this 2nd day of March, 2011.

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¹ Pursuant to Section 120.595, Fla. Stat., the Commission may award attorney's fees if it determines that a party participated in this proceeding for an improper purpose. It should be noted, however, that an award of attorney's fees would not provide adequate compensation if an appeal or other procedural delay is used in bad faith to delay or derail SWA's Expanded Facility. In any event, the Larsons have failed to satisfy the legal requirements for intervention, and their participation in this proceeding will likely result in further delay for SWA's Expanded Facility with associated harm to Palm Beach County residents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 2nd day of March, 2011, to the following:

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