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January 24, 1996

VIA HAND DELIVERY

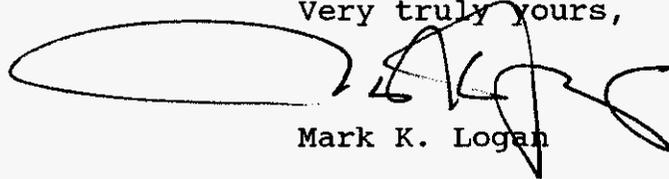
Ms. Blanco S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

**RE: In Re: Petition of Jacksonville Electric Authority to
Resolve a Territorial Dispute with Florida Power & Light
Company in St. Johns County, Docket No.: 950307-EU**

Dear Ms. Bayo:

Enclosed please find the original and fifteen copies of
Florida Power and Light Company's Motion to Strike Florida Steel
Corporation's Response to Florida Power and Light Company's
Memorandum in Opposition to Florida Steel Corporation's Petition to
Intervene for filing with Florida Public Service Commission in the
above referenced matter.

Very truly yours,



Mark K. Logan

- ACK
- BSA
- BPP
- BRS
- CMU
- CTR
- GIG
- JIG
- JN
- JPO
- JRN
- JSC
- JWS
- JTH

MKL/skb

Enclosure

cc: Bruce Page, Esquire
Kenneth A. Hoffman, Esquire
Edward Tancer, Esquire
Beth Culpepper, Esquire
Roger Howe, Esquire
The Honorable John Delaney
Richard Salem

RECORDED
INDEXED
FISC-SUPPLY OF RECORDS

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition of Jacksonville)
Electric Authority to Resolve a)
Territorial Dispute with Florida)
Power & Light Company in St. Johns)
County)

DOCKET NO. 950307-EU

Filed: January 24, 1995

FLORIDA POWER AND LIGHT COMPANY'S MOTION TO STRIKE

Florida Power and Light Company ("FPL"), files this Motion to Strike Florida Steel Corporation's ("Florida Steel") Response to Florida Power and Light's Memorandum in Opposition to Florida Steel Corporation's Petition to Intervene and states:

1. On December 4, 1995, Florida Steel filed, via mail, a Motion to Intervene and Objection to Preliminary Agency Action in this docket.

2. On December 18, 1995, FPL filed a timely Memorandum in Opposition to Florida Steel's Motion to Intervene.

3. On January 18, 1996, some 31 days after the filing of FPL's motion, Florida Steel filed a document entitled "Florida Steel Corporation's Response to Florida Power and Light's Memorandum in Opposition to Florida Steel Corporation's Petition to Intervene".

4. Notwithstanding FPL's categorical denial of virtually all of the representations contained in Florida Steels's attempt at a responsive pleading, the Florida Public Service Commission rules do not allow for such a filing. The rules do expressly provide for the filing of a written memorandum in response to a motion filed by a party. Rule 25-22.038, Fla. Admin. Code. That is exactly what FPL filed in response to Florida Steel's initial motion to intervene. The rules also allow a moving party, here Florida

DOCUMENT NUMBER-DATE

00855 JAN 24 88

FPSC-RECORDS/REPORTING 76

Steel, the opportunity to include with its motion, a memorandum stating the grounds upon which the motion is based. Id. Here, Florida Steel elected not to support its initial motion to intervene with a memorandum of law in support of that motion as provided by Commission rules. One month later, Florida Steel simply cannot suddenly decide to offer additional argument in favor of its desire to seek intervenor status in this docket.

5. Even if the Commission's rules provided for the filing of a reply memorandum in this instance, the document was not timely filed by any measure of reasonableness. Rule 22.038(2)(b) requires that memoranda in opposition be filed within seven days of a motion. Rule 25-22.030(4), Fla. Admin. Code allows another five days when a document is served by U.S. Mail. That is a total of 12 days, not 31 days. FPL was required to file its memorandum on a timely basis. Florida Steel must be held to at least the same standard.

WHEREFORE, FPL asks this Commission to enter an order striking Florida Steel Corporation's Response to Florida Power and Light's Memorandum in Opposition to Florida Steel Corporation's Motion to Intervene.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or Hand Delivery (*) to the parties listed below on this 24th day of January, 1996.

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