

ORIGINAL

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December 8, 1997

**BY HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

970512-EU

Re: Florida Power & Light Company's Motion to Strike or Waiver Issues  
Contained in Post-Hearing Brief and Statement of Issues and Positions  
Filed by Clay Electric Cooperative

Dear Ms. Bayo:

Enclosed for filing is the original and fifteen (15) copies of Florida Power & Light  
Company's Motion to Strike or Waiver Issues Contained in Post-Hearing Brief and Statement of  
Issues and Positions Filed by Clay Electric Cooperative in the above-referenced docket along with  
a diskette in WordPerfect 6.0 format.

ACK \_\_\_\_\_ Please acknowledge receipt and filing of the above by stamping the duplicate copy of this  
letter and returning the same to this writer. Copies have been served on all parties of record.

AFA \_\_\_\_\_  
APP \_\_\_\_\_ Thank you for your assistance in this matter.

CAF \_\_\_\_\_  
CMU \_\_\_\_\_ RECEIVED & FILED

CTR \_\_\_\_\_  
EAG \_\_\_\_\_ *MJ*  
EPSC-BUREAU OF RECORDS

LEG 2

LIN 2 MKL/th

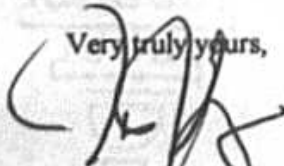
OPC \_\_\_\_\_ cc: all parties of record

RCH \_\_\_\_\_

SEC 1 MLOGANFP&L\01006\bayo17letter.wp

WAS \_\_\_\_\_

OTH \_\_\_\_\_

Very truly yours,  
  
Mark K. Logan

DOCUMENT NUMBER-DATE

12525 DEC-86

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power & Light Company to Resolve a Territorial Dispute with Clay Electric Cooperative in Baker County )  
 ) Docket No. 970512-EU  
 )  
 ) Filed: December 8, 1997  
 )  
 )

Motion to Strike or Waive Issues Contained in Post-Hearing Brief and Statement of Issues and Positions Filed By Clay Electric Cooperative

Florida Power & Light Company ("FP&L"), pursuant to Rules 25-22.056, Fla. Admin. Code, 25-22.037 Fla. Admin. Code and Order No. PSC-97-1310-PHO-EU (October 22, 1997) moves for an order striking or waiving Issue No's 1, 3, 5, 6, 8, and 15 of the post-hearing brief and statement of issues and positions filed by Clay Electric Cooperative ("Clay") and states:

1. Clay filed three post-hearing documents in this proceeding: a brief, a statement of issues and positions, and proposed finds of fact and conclusions of law. Clay's brief and statement of issues and positions both contain recitations of the 15 issues litigated in this docket.
2. With respect to Clay's post-hearing brief, Clay's stated position on Issues No's 1, 3, 5, 6, 8, and 15 each exceed the 50-word allotment set forth in the prehearing order (Order No. PSC-97-1310-PHO-EU (October 22, 1997) and Rule 25-22.056(3).
3. With respect to Clay's statement of issues and positions, Clay's stated position on Issues No's 1, 5, 8, and 15 each exceed the 50-word allotment. This despite Clay's express acknowledgment of the 50-word limitation in the text of its pleading.
4. The prehearing order expressly states that a party failing to conform to the 50-word limitation shall waive all issues and may be dismissed from the proceeding.

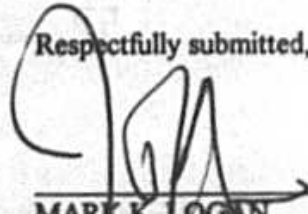
DOCUMENT NUMBER-DATE

12525 DEC-86

FPSC-RECORDS/REPORTING

WHEREFORE, FP&L, moves this Commission for an order striking or waiving Clay's positions and argument on Issues 1, 3, 5, 6, 8, and 15, as set forth in Clay's post-hearing brief and statement of issues and positions.

Respectfully submitted,



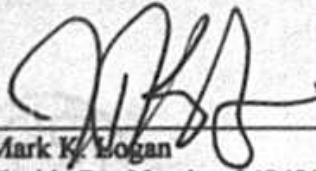
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served by U.S. Mail or hand delivery this 20<sup>th</sup> day of December, 1997, to the following parties of record as listed below.



Mark K. Logan  
Florida Bar Number 0494208

John H. Haswell, Esquire  
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