

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

ORIGINAL

-M-E-M-O-R-A-N-D-U-M-

DATE: June 29, 2006
TO: Kay B. Flynn, Chief of Records, Division of the Commission Clerk & Administrative Services
FROM: Timothy J. Devlin, Director, Division of Economic Regulation *SW/B-TSD*
RE: Memo to be placed in Docket File

Please place the attached Memo from Lee Kissell in docket file for Docket No. 060038-EI.

Thank you.

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: June 23, 2006
TO: Timothy J. Devlin, Director, Division of Economic Regulation
FROM: Lee W. Kissell, Chief of Information Processing, Division of the Commission Clerk & Administrative Services *LK*
RE: New Filing in Docket Number 060038-EI (Florida Power and Light Company)

Having read Florida Power and Light's motion for reconsideration of their prior motion, I wanted to share with you my understanding of the events that led up to their electronic filing arriving after the 5:00 pm deadline.

The timeliness and reliability of e-mail is a function of network and server systems between the sender and receiver, and typically involves the participation of many devices working behind the scenes to relay the message across the Internet. When operating under the best of conditions, e-mail delivery can appear to be an instantaneous process, but the current utilization and health of any of these devices (including the network and Internet itself) can impede the timely delivery of a message. In extreme cases, these delays can amount to hours or days.

In this particular case, based on the delivery information imbedded in the message header, the majority of the delivery delay (9 minutes) occurred within FPL's network. The message did not reach the perimeter of our network (where our network touches the Internet) until after 5:00 pm, so none of the delivery delay occurred on our network.

While I understand the frustration expressed by the parties involved, I want to make it clear that no part of the system under the PSC's control contributed to the delay in receiving this filing.

Please let me know if you need additional information.

cc:

Mary Bane
Chuck Hill
Cochran Keating

06 JUN 23 AM 10:54
DIVISION OF
ECONOMIC REGULATION
PUBLIC SERVICE