

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 080009-EI  
ORDER NO. PSC-08-0458-PCO-EI  
ISSUED: July 16, 2008

ORDER GRANTING UNOPPOSED MOTION TO MODIFY DATES FOR FILING OF  
TESTIMONY AND FIRST ORDER MODIFYING PROCEDURE

I. Case Background

On March 26, 2008, this docket was officially established to address the petitions of Florida Power & Light Company (FPL) and Progress Energy Florida, Inc. (PEF) for nuclear cost recovery through the Nuclear Cost Recovery Clause. On March 31, 2008, Order No. PSC-08-0211-PCO-EI (Order Establishing Procedure) was issued, scheduling the matters for an administrative hearing on September 11, 12, 17, and 18, 2008. Order No. PSC-08-0199-PCO-EI acknowledging the Office of Public Counsel's (OPC) intervention in this docket was issued on March 27, 2008.

On June 17, 2008, OPC filed its Motion to Modify Dates for Filing of Testimony (Unopposed Motion) requesting that the Prehearing Officer modify the dates controlling the submission of prefiled testimony and prehearing statements in this docket. Currently, the Order Establishing Procedure requires Intervenors to submit prefiled testimony on or before July 14, 2008.

II. Unopposed Motion

In its Unopposed Motion, OPC argues that the current schedule set forth in the Order Establishing Procedure does not afford an adequate opportunity to complete discovery and prepare prefiled testimony. OPC states that it has engaged consultants to assist in evaluating the requests of both FPL and PEF, and that it is engaging in discovery and reviewing voluminous documents that it obtained from the utilities. OPC also states that it intends to depose employees of both utilities, and that it has scheduled depositions of FPL employees that will not conclude until July 1, 2008. Finally, OPC asserts that during an informal issue identification meeting with the parties, counsel for both FPL and PEF stated that they do not object to OPC's request.

III. Ruling and Revised Controlling Dates

Having reviewed the Unopposed Motion, it appears that OPC has alleged sufficient reasons to modify the controlling dates of this proceeding. There is sufficient time to provide an extension of time of nine days for preparation of Intervenor testimony without prejudicing staff or other parties, and without impinging upon the dates for the Prehearing Conference or the evidentiary hearing. Accordingly, the controlling dates established by the Order Establishing Procedure shall be revised as set forth below:

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

	<u>Existing Date</u>	<u>Modified Date</u>
Intervenor Testimony	July 14, 2008	July 23, 2008
Staff Testimony	July 28, 2008	August 6, 2008
Rebuttal Testimony	August 11, 2008	August 21, 2008
Prehearing Statements	August 15, 2008	August 22, 2008

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that the Office of Public Counsel's Unopposed Motion to Modify Dates for Filing of Testimony is hereby granted. It is further

ORDERED that the controlling dates established in Order No. PSC-08-0211-PCO-EI are modified as set forth in this Order. It is further

ORDERED that Order No. PSC-08-0211-PCO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 16th day of July, 2008.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.