

**Ruth Nettles**

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**From:** Butler, John [John.Butler@fpl.com]  
**Sent:** Tuesday, May 12, 2009 11:18 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Ralph Jaeger; Erik Saylor; 'swright@yvlaw.net'; 'jlavia@yvlaw.net'; 'dtucker@ngnlaw.com'; 'barmstrong@ngnlaw.com'; 'simpson66@bellsouth.net'; 'tbradford@townofpalmbeach.com'; 'jyarbrough@southdaytona.org'; Stern, Marlene  
**Subject:** Electronic Filing: Docket Nos. 070231-EI and 080244-EI - FPL's M/Extension of time  
**Attachments:** M Extension of Time (Rebuttal).doc; M Extension of Time (Rebuttal).pdf

**Electronic Filing**

**a. Person responsible for this electronic filing:**

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**b. Docket No. 080244-EI: In Re: Petition for Approval of Underground Conversion tariff revisions; and**

**Docket No. 070231-EI: In Re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company**

**c. The document is being filed on behalf of Florida Power & Light Company.**

**d. There are a total of 3 pages.**

**e. The document attached for electronic filing is Florida Power & Light Company's Motion for Extension of Time**

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Approval of Underground Conversion Tariff Revisions. ) Docket No. 080244-EI )  
\_\_\_\_\_ )

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company. ) Docket No. 070231-EI )  
\_\_\_\_\_ ) Filed: May 12, 2009 )

**FLORIDA POWER & LIGHT COMPANY'S  
MOTION FOR EXTENSION OF TIME**

Florida Power & Light Company ("FPL") hereby respectfully moves the Florida Public Services Commission for an order granting FPL a one-day extension of time within which to file its rebuttal testimony in this proceeding and, as grounds therefor, states the following.

1. On February 25, 2009, the Commission entered Order No. PSC-09-0114-PCO-EI entitled "Order Consolidating Dockets and Establishing Procedure" (hereinafter referred to as the "Order"). The entry of this Order consolidated Docket Nos. 070231-EI and 08244-EI and established the procedures and controlling dates. On March 10, 2009, the Commission entered Order No. PSC-09-0145-PCO-EI amending the filing date for Rebuttal testimony and exhibits to May 13, 2009, and on April 16, 2009, the Commission entered Order No. PSC-09-0237-PCO-EI, which further amended the filing date to May 14, 2009.

2. On May 7, 2009, FPL took the deposition of Municipal Underground Utilities Consortium witness Peter Rant, in which Mr. Rant was not able to provide certain key information about his proposed calculation of the overhead – underground operational cost differentials because of potential confidentiality concerns. The parties agreed that Mr. Rant

would provide the requested information in the form of late-filed Exhibit 2, subject to a claim of confidentiality. However, disclosure of that information has been delayed because of the need to address the confidentiality concerns. As of the filing of this Motion, FPL has not yet received late-filed Exhibit 2.

3. Due to the delay in receipt of the information that is to be provided in late-filed Exhibit 2, FPL needs additional time to complete its Rebuttal testimony and exhibits. Because the prehearing conference is scheduled for Monday, May 18, 2009, FPL is proposing only a one-day extension of the rebuttal deadline, to Friday, May 15, 2009.

4. Counsel for all parties to this proceeding as well as the Commission Staff have stated that they have no objection to extending the rebuttal deadline to May 15, 2009.

WHEREFORE, Florida Power & Light Company respectfully requests the Commission, through the Pre-hearing Officer assigned to this docket, to issue an order extending the deadline for filing Rebuttal testimony and exhibits in this proceeding to May 15, 2009.

DATED this 12<sup>th</sup> day of May 2009.

Respectfully submitted,

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By: /s/ John T. Butler  
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