

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Florida
EnergySecure Pipeline by Florida Power &
Light Company.

DOCKET NO. 090172-EI
ORDER NO. PSC-09-0337-PCO-EI
ISSUED: May 15, 2009

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE

BY THE COMMISSION:

On April 7, 2009, Florida Power & Light Company (FPL) filed a petition to determine the need for an intrastate natural gas transmission pipeline pursuant to Florida's Natural Gas Transmission Pipeline Siting Act (Siting Act), Sections 403.9401 to 403.9425, Florida Statutes, (F.S.). Section 403.9422, F.S., provides that the Commission shall hold an administrative hearing on the petition, and Order No. PSC-09-0230-PCO-EI was issued on April 14, 2009, establishing the procedures and controlling dates to be followed in conducting the hearing. As the case has proceeded, the parties have identified certain issues that were not contemplated when the petition was filed. Those issues are complex, and they require additional time to conduct discovery and compile evidence to support a comprehensive Commission decision on the need petition. Therefore, it is necessary to revise the hearing and prehearing dates, and other critical dates in the case. On May 13, 2009, FPL filed a letter agreeing to a limited waiver of the hearing and final action deadlines set forth in Section 403.9422(a), F.S., with the understanding that FPL may provide supplemental testimony on the expanded issues, that a hearing will be held on July 27 and 28, 2009, and that the Commission will make a decision on the need petition by September 15, 2009. Accordingly, the new controlling dates for the proceeding are set forth below:

IX. Controlling Dates

The following dates have been established to govern the key activities of this case:

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|---|------------------|
| (1) Utility's testimony and exhibits | April 7, 2009 |
| (2) Supplemental testimony and exhibits – utility | May 29, 2009 |
| (3) Intervenor and staff testimony and exhibits | June 19, 2009 |
| (4) Rebuttal testimony and exhibits - utility | July 2, 2009 |
| (5) Prehearing Statements | June 30, 2009 |
| (6) Prehearing Conference | July 6, 2009 |
| (7) Discovery deadline | July 17, 2009 |
| (8) Hearing | July 27-28, 2009 |
| (9) Briefs | August 10, 2009 |

DOCUMENT NUMBER-DATE

04708 MAY 15 8

FPSC-COMMISSION CLERK

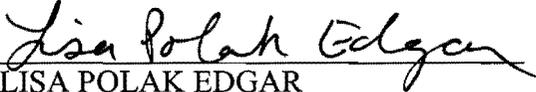
This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Order No. PSC-09-0230-PCO-EI is reaffirmed in all other respects.

Based upon the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the provisions of this Order shall govern this proceeding unless modified by the Commission.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 15th day of May, 2009.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(S E A L)

MCB

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

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Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.