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Attorneys At Law

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July 10, 2009

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Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 090172-EI

Dear Ms. Cole:

Enclosed for filing is an original and 15 copies of Florida Gas Transmission Company, LLC's Motion for Leave to File Surrebuttal Testimony in the above referenced docket. Also enclosed is the Surrebuttal testimonies of Michael Langston and Dr. Benjamin Schlesinger that are the subject of and attachments to the motion.

Please stamp and return the extra copy of this letter. Thank you for your assistance with this filing.

- COM 5
- ECR 1
- GCL 2
- OPC
- RCP
- SSC
- SGA 2
- ADM FRS/amb
- CLK 1 Enclosures

Sincerely yours,

Floyd R. Self

cc: Commissioner Lisa Edgar
Parties of Record

DOCUMENT NUMBER-DATE
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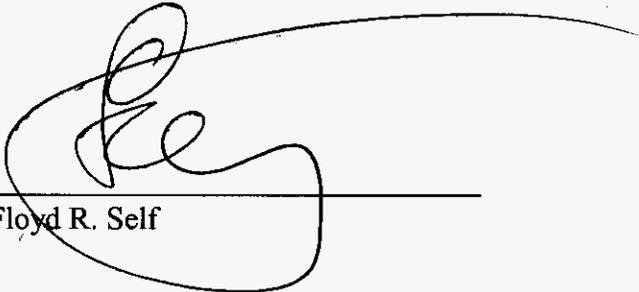
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Hand Delivery (HD), Electronic Mail (*) and/or U.S. Mail this 10th day of July, 2009 upon the following:

Martha Brown, Esq. HD*
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Floyd R. Self

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Florida)
EnergySecure Pipeline by Florida Power &) Docket No. 090172-EI
Light Company.) Dated: July 10, 2009
_____)

**FLORIDA GAS TRANSMISSION COMPANY, LLC'S
MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY**

Florida Gas Transmission Company, LLC ("FGT"), by and through undersigned counsel and pursuant to Rules 28.106.204 and 28.106.211, Florida Administrative Code, files this Motion for Leave to File Surrebuttal Testimony, and in support of this request states:

1. This proceeding was initiated by petition of Florida Power & Light Company ("FPL") filed April 7, 2009, to determine the need for an intrastate natural gas transmission pipeline.
2. Section 403.9422, Florida Statutes, requires that the Commission hold a hearing on the petition and establish controlling dates for disposition of the request. In accord with this requirement and with a limited waiver of some of the dates by FPL, the Commission established a procedure and dates for governance of the activities in the case. Under that schedule, FPL was authorized to file direct testimony, supplemental direct, and rebuttal testimony, which it has done. FGT has filed only one set of testimony, its direct testimony after FPL's direct and supplemental direct and before FPL's rebuttal.
3. In its procedural schedule memorialized in Order No. PSC-09-0337-PCO-EI, the Commission established July 2, 2009, as the date for filing rebuttal testimony by FPL and such testimony was timely filed. The established procedure does not make allowance for a second set of testimony by FGT. However, by this Motion FGT requests that the Commission allow surrebuttal

testimony by FGT, and copies of such testimony is being filed concurrently with this Motion. FGT notes that usually in Commission proceedings, the parties concurrently file direct and then concurrently file rebuttal so each party has the opportunity to file two sets of testimony. However, under the circumstances of this case, FGT was not afforded that opportunity. Moreover, because of the compressed pretrial process, the schedule did not permit any interrogatories or production of documents in response to the FPL rebuttal testimony. While the parties will be engaged in depositions next week, FGT believes that presenting this surrebuttal testimony today will also facilitate the ability of FPL and the Staff to better understand FGT's positions and will permit FPL and the Staff to further explore such surrebuttal during the depositions of the FGT witnesses next week.

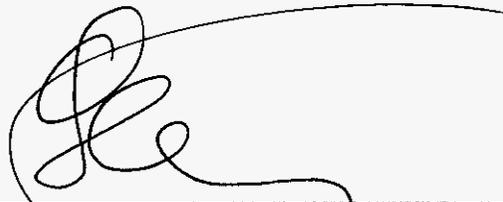
4. Surrebuttal is allowed at the discretion of the presiding officer and generally allowed when necessary to address new issues, evidence, or positions raised by a party on rebuttal. The Commission has also allowed surrebuttal by parties during hearings for the purpose of clarifying certain points. In the instant case, FPC has presented rebuttal testimony which raises new issues or revises prior positions or which necessitates clarification of positions of FGT. FPL witnesses, in their rebuttal testimony, have also presented revised, misconstrued, and otherwise incorrect representations of the testimony of the FGT witnesses. FPL has updated and offered new analysis and alternatives to the FGT testimony. FPL has rerun exhibits employing new data and assumptions. FPL has offered new information and analyzes regarding the demand for natural gas and further refined its position as to the applicability of Chapter 368, among other items. Through the surrebuttal, FGT seeks to address these various matters raised for the first time in the FPL rebuttal testimony so that the Commission will have a complete record.

5. Given all the facts and circumstances regarding this matter, FGT believes that allowing surrebuttal testimony will afford the Commission, Staff, and FPL an opportunity to review this important evidence prior to the hearing and overall expedite the process.

6. Undersigned counsel has advised counsel for FPL of the intent to file this motion and FPL reserves it right to respond to this request.

WHEREFORE, FGT respectfully requests that it be granted leave to file surrebuttal testimony in this matter and that it accept the surrebuttal testimony that is attached to this Motion.

Respectfully submitted, this 10th day of July 2009.



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