

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida Power & Light Company.

DOCKET NO. 080677-EI

In re: 2009 depreciation and dismantlement study by Florida Power & Light Company.

DOCKET NO. 090130-EI

ORDER NO. PSC-09-0523-PCO-EI

ISSUED: July 28, 2009

ORDER GRANTING MOTION FOR LEAVE TO SUPPLEMENT TESTIMONY

On November 17, 2008, Florida Power & Light Company (FPL) filed a test year letter, as required by Rule 25-6.140, Florida Administrative Code (F.A.C.), notifying this Commission of its intent to file a petition in the Spring of 2009 for an increase in rates effective January 1, 2010. Pursuant to the provisions of Chapter 366, Florida Statutes (F.S.), and Rules 25-6.0425 and 25-6.043, F.A.C., FPL filed the petition for an increase in rates on March 18, 2009. On July 16, 2009, the Office of Public Counsel (OPC) timely filed testimony and exhibits of five witnesses, including the testimony and exhibits of Daniel J. Lawton. On July 21, 2009, OPC filed its Motion for Leave to Supplement Testimony (Motion).

Motion for Leave to Supplement Testimony

In its Motion, OPC states that in his prefiled testimony and exhibits, Mr. Lawton discusses the impact of OPC's recommended amortization of a portion of FPL's depreciation reserve excess on the financial integrity of FPL, as measured by certain financial indicators. OPC asserts that at the time Mr. Lawton prepared his prefiled testimony and exhibits, OPC had not finalized all of its proposed adjustments to the annual 2010 revenues for which FPL has requested approval. OPC asserts that Mr. Lawton has prepared a one-page supplement to Exhibit DJL-6, page 1 of 2, to reflect all of those adjustments in his assessment, and that the purpose of the requested supplemental testimony is simply to refer to the supplemental exhibit.

OPC submits that no party will be prejudiced by the granting of this Motion. OPC states that Mr. Lawton's testimony addressing policy considerations was filed on July 16, 2009, and all of OPC's positions regarding OPC's proposed adjustments to FPL's requested revenue determination were filed with supporting testimony on July 16, 2009. Accordingly, OPC asserts that the information necessary to calculate the impact of OPC's full recommendation on FPL's financial condition is available to the Commission. Furthermore, OPC contends that no changes to Mr. Lawton's original testimony are occasioned by the filing of the supplemental schedule of Exhibit DJL-6. OPC insists that granting this Motion will provide relevant information to the parties and the Commission with maximum advance notice. OPC states that it has contacted the parties and is authorized to represent that no party opposes the granting of the Motion.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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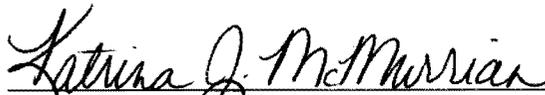
Ruling

Upon review of OPC's Motion, it appears that the request to file supplemental testimony is appropriate in this instance. No parties oppose the Motion, and no parties' interests will be substantially prejudiced by allowing the additional testimony. Accordingly, the Motion is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrrian, as Prehearing Officer, that the Office of Public Counsel's Motion for Leave to Supplement Testimony is granted.

By ORDER of Commissioner Katrina J. McMurrrian, as Prehearing Officer, this 28th day of July, 2009.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

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