

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-09-0731-PCO-EI

ISSUED: November 4, 2009

ORDER GRANTING EXTENSION OF TIME

I. Background

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 March 20, 2009, Order No. PSC-09-0159-PCO-EI (Order Establishing Procedure) was issued, setting forth the controlling dates in this proceeding, including that all parties file post-hearing briefs on or before September 18, 2009. By Order No. PSC-09-0646-PCO-EI, issued on September 25, 2009, the controlling dates were revised to require post-hearing briefs to be filed on or before November 9, 2009. Following the conclusion of the hearing on FPL's request for an increase in rates, the Commission voted at the October 27, 2009, Agenda Conference to postpone the decision on revenue requirements by three weeks, from December 21, 2009 to January 13, 2010.

II. Joint Motion for Extension of Time to File Posthearing Briefs

By motion dated October 29, 2009, the Office of Public Counsel, the Attorney General, the Florida Retail Federation, the Florida Industrial Power Users Group, the South Florida Hospital and Healthcare Association, and the Federal Executive Agencies (collectively, "Joint Movants") filed a Joint Motion for Extension of Time to File Posthearing Briefs (Motion), in which they requested an extension of time of seven days within which to file post-hearing briefs in the above dockets. In support of their motion, the Joint Movants submit that no party will be prejudiced by an extension up to and including November 16, 2009. The Joint Movants also assert that the additional time will enable them to prepare briefs that address the numerous issues and the voluminous record more thoroughly than would be the case if no relief from the November 9, 2009, deadline is afforded. According to the Joint Movants, a more thorough briefing will assist Commission Staff and the Commissioners in their review of the record.

In addition, the Joint Movants state that FPL does not support the Motion, the Association for Fairness in Rate Making supports the Motion, and the Associated Industries of Florida and Stephen Stewart, on behalf of Mr. Ungar, do not object to the granting of the Motion.

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The Joint Movants also assert that they were unable to reach counsel for the remaining intervenors prior to filing the Motion, namely I.B.E.W. System Council U-4, the City of South Daytona, and the FPL Employee Intervenors.

III. Analysis & Ruling

Upon consideration, the Joint Movants' Motion is hereby granted. It appears that no party will be prejudiced by a seven-day extension until November 16, 2009, and the additional time will give all of the parties an opportunity to examine the voluminous record and prepare their briefs more thoroughly.

Based on the foregoing, it is

ORDERED by Chairman Matthew M. Carter II, as Presiding Officer, that the Joint Motion for Extension of Time to File Posthearing Briefs filed by the Office of Public Counsel, the Attorney General, the Florida Retail Federation, the Florida Industrial Power Users Group, the South Florida Hospital and Healthcare Association, and the Federal Executive Agencies is hereby granted. It is further

ORDERED that post-hearing briefs shall be filed no later than November 16, 2009.

By ORDER of Chairman Matthew M. Carter II, as Presiding Officer, this 4th day of November, 2009.



MATTHEW M. CARTER II  
Chairman and Presiding Officer

(SEAL)

ARW

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 25-22.0376, 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.