

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 120015-EI  
ORDER NO. PSC-12-0440-PCO-EI  
ISSUED: August 27, 2012

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE  
SETTING PROCEDURAL SCHEDULE FOR COMMISSION CONSIDERATION OF  
SETTLEMENT AGREEMENT

This docket was opened to consider Florida Power & Light Company's (FPL) petition for a base rate increase. Eleven parties were granted intervention in the docket. By the Order Establishing Procedure, Order No. PSC-12-0143-PCO-EI, issued March 26, 2012, the hearing was set to commence on August 20, 2012. On August 15, 2012, FPL and three of the eleven intervening parties filed a Motion to Approve Settlement Agreement (Settlement Agreement) and a Motion to Suspend the Procedural Schedule.<sup>1</sup> The Motion to Suspend the Procedural Schedule was denied by Order No. PSC-12-0340-PCO-EI, issued August 17, 2012. The hearing commenced as scheduled in the Order Establishing Procedure. All parties were given an opportunity to file responses to the Joint Motion to Approve Settlement Agreement. The Office of Public Counsel (OPC), Florida Retail Federation (FRF), City of Pinecrest, Daniel and Alexandria Larson, Algenol, Mr. Nelson, and Mr. Saporito filed responses. Having carefully considered the parties positions, this order addresses the scheduling of the Commission's consideration of the Settlement Agreement.

Rule 28-106.211, Florida Administrative Code, allows the presiding officer to issue orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of the case. Based on the hearing scheduled in this docket, and the Commission's schedule, the Commission will consider the Settlement Agreement at a date and time to be announced at the conclusion of the evidentiary portion of the hearing.

Accordingly, upon the conclusion of the evidentiary portion of the hearing, the Commission will recess until the date and time announced by the Commission to take up the Motion to Approve the Settlement Agreement. On the date set by the Commission, it will reconvene the hearing to consider the Settlement Agreement. Consistent with our prior procedure for considering settlement agreements, this is not an evidentiary proceeding. (See SFHHA v. Jaber, 887 So. 2d 1210, (2004); Order No. PSC-07-0529-AS-SU, issued June 26, 2007, in Docket No. 060256-SU, In re: Application for increase in wastewater rates in Seminole County by Alafaya Utilities, Inc.; Order No. PSC-12-0171-AS-GU, issued, April 2, 2012, in Docket No. 090539-GU, In re: Petition for approval of Special Gas Transportation Service agreement with Florida City Gas by Miami-Dade County through Miami-Dade Water and Sewer

<sup>1</sup> FPL, Florida Industrial Power Users Group (FIPUG), Federal Executive Agencies (FEA), and South Florida Hospital and Healthcare Association (SFHHA) are the signatories to the Settlement Agreement. While party Algenol did not execute the Settlement Agreement or join in the motion, it did express its support for the Settlement Agreement.

DOCUMENT NUMBER-DATE

05834 AUG 27 12

FPSC-COMMISSION CLERK

Department; Order No. PSC-11-0089-2-RI, issued February 1, 2011, in Docket No. 080677, In re: Petition for increase in rates by Florida Power & Light Company). Accordingly, no evidence will be taken during the Commission's consideration of the Settlement Agreement but comments from the parties will be permitted. Each side will be granted thirty minutes for comment, to be divided among the parties as they deem appropriate.

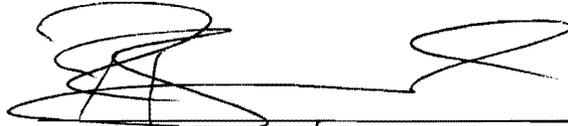
Consistent with prior considerations of settlement agreements, our staff and the parties will be permitted a limited time to ask data requests. Parties are directed to respond to data requests within five days or less. Parties are limited to 100 data requests. Information gathered by data request must be completed prior to the date set by the Commission to consider the Settlement Agreement. Information obtained through data requests may be used by the parties in their oral arguments and by staff in advising the Commission. No information obtained through data requests may be used during the evidentiary proceeding in this docket.

Based on the foregoing, it is

ORDERED by Chairman Ronald A. Brisé, as Presiding Officer, that upon conclusion of the evidentiary portion of the hearing, the Commission will announce the date and time set for the sole purpose of taking up the Settlement Agreement, as specifically set forth in this order. It is further

ORDERED that the parties shall respond to data requests as set forth more specifically in the body of this order.

By ORDER of Chairman Ronald A. Brisé, as Presiding Officer, this 27th day of August, 2012.



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Chairman and Presiding Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

LCB

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.