

**Eric Fryson**

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**From:** Moncada, Maria [Maria.Moncada@fpl.com]  
**Sent:** Tuesday, December 18, 2012 3:17 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Electronic Filing / Dkt 120015-EI / FPL's Response in Opposition to Thomas Saporito's Motion for Reconsideration  
**Attachments:** Docket 120015 - FPL's Response to T. Saporito's Motion for Reconsideration.pdf  
Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 120015 – EI  
In re: Petition for rate increase by Florida Power & Light Company

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Response in Opposition to Thomas Saporito's Motion for Reconsideration.

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**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida  
Power & Light Company

Docket No. 120015-EI  
December 18, 2012

**FPL'S RESPONSE IN OPPOSITION TO THOMAS  
SAPORITO'S MOTION FOR RECONSIDERATION**

Florida Power & Light Company ("FPL"), pursuant to Florida Rule of Administrative Procedure 28-106.204, hereby responds to Thomas Saporito's Motion for Reconsideration of Commission's December 13th Order Approving Florida Power & Light Company's Settlement Agreement and Motion for Further Hearing and Motion for Opportunity To Engage in Discovery ("Motion for Reconsideration"). Mr. Saporito's Motion for Reconsideration is premature and should be denied. In further support, FPL states as follows:

On December 13, 2012, the Florida Public Service Commission ("FPSC" or the "Commission") voted to approve a Settlement Agreement proposed by FPL, the Florida Industrial Power Users Group, the South Florida Hospital and Healthcare Association and the Federal Executive Agencies (collectively, the "Signatories"). The following morning, Mr. Saporito filed his Motion for Reconsideration. No order has been issued yet by the Commission with respect to that decision.

Mr. Saporito correctly notes that Rule 25-22.060, F.A.C. governs motions for reconsideration of final orders. (Motion at p. 1). That Rule states, in pertinent part:

(1)(a) Any party to a proceeding who is adversely affected by an order of the Commission may file a motion for reconsideration of that order.

\* \* \*

(3) Time. A motion for reconsideration of a final order shall be filed within 15 days after issuance of the order.

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Thus, “a request for reconsideration necessarily requires a final Commission order or action.” *In Re: Initiation of Show Cause Proceedings v. Commercial Ventures, Inc. for Failure to Comply with Commission Rules*, 88 FPSC 11:186 (Fla. P.S.C. Nov. 8, 1988). Here, the Commission has made its decision but no written order expressing that decision has been issued. Therefore, there is no final order for the Commission to reconsider. Mr. Saporito’s Motion for Reconsideration is premature and fails to comply with Rule 25-22.060, F.A.C., so it should be denied. *See id.*

FPL is authorized to represent that the co-Signatories support FPL’s opposition to Mr. Saporito’s Motion for Reconsideration.

Respectfully submitted this 18th day of December 2012.

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By: s/ Maria J. Moncada  
Maria J. Moncada

**CERTIFICATE OF SERVICE  
DOCKET NO. 120015-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Response in Opposition to Thomas Saporito's Motion for Reconsideration has been furnished electronically this 18th day of December 2012, to the following:

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