

Eric Fryson

From: Moncada, Maria [Maria.Moncada@fpl.com]
Sent: Wednesday, January 30, 2013 2:52 PM
To: Filings@psc.state.fl.us
Subject: Electronic Filing / Dkt 120015-EI / FPL's Statement Regarding Hendricks's Response in Support of Saporito's Motion for Reconsideration
Attachments: Dckt 120015 - FPL Statement Regarding Hendricks's Response in Support of....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 Statement Regarding Hendricks's Response in Support of Saporito's Motion for Reconsideration.

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DOCUMENT NUMBER-DATE
00603 JAN 30 12
FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 120015-EI
January 30, 2013

**FPL'S STATEMENT REGARDING HENDRICKS'S RESPONSE
IN SUPPORT OF SAPORITO'S MOTION FOR RECONSIDERATION**

Florida Power & Light Company ("FPL") opposes John Hendricks's Response in Support of Saporito's Motion for Reconsideration (the "Hendricks Response") because it is untimely, unauthorized and duplicative of Mr. Saporito's arguments.

The Hendricks Response purports to "respond[] to Thomas Saporito's Motion for Reconsideration of the [Settlement Order] and Motion for Further Hearing and Motion for Opportunity to Engage in Discovery, and to FPL's Response in Opposition to Thomas Sapoirito's[sic] Second Motion for Reconsideration."¹ It is untimely as a response to the Saporito Motion for Reconsideration, because it was filed more than seven days after that Motion. *See* Rule 28-106.204(1), F.A.C. The Hendricks Response is unauthorized as a response to FPL's Response in Opposition, because it amounts to a reply that is not permitted under Rule 28-106.204.² Finally, the Hendricks Response is unnecessary and duplicative, because it identifies nothing appropriate for reconsideration that differs from Mr. Saporito's flawed arguments.³

FPL is authorized to represent that its co-Signatories support the foregoing Statement.

¹ Hendricks Response, at p.1.

² *See In re: Complaint of Qwest Communications Co.*, Docket No. 090538-TP, Order No. PSC-11-0014-PCO-TP (Fla. P.S.C. Jan. 4, 2011) ("this Commission does not allow reply briefs to responses").

³ Mr. Hendricks's comments about the extent of detail contained in the Settlement Order do not constitute a point of fact or law that was overlooked by the Commission and thus are not grounds for reconsideration. Moreover, the contents of the Settlement Order are exactly in line with recent FPSC orders approving settlements. *See e.g.*, Order Nos. PSC-12-0104-FOF-EI, PSC-11-0089-S-EI, PSC-100136-S-EI.

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FPSC-COMMISSION CLERK

Respectfully submitted this 30th day of January 2013.

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By: *s/ John T. Butler* _____
John T. Butler

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

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Response in Opposition to Hendricks' Response in Support of Saporito's Motion for Reconsideration has been furnished electronically this 30th day of January 2013, to the following:

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