

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 130007-EI
Date: November 27, 2013

**FLORIDA POWER & LIGHT COMPANY'S MOTION
TO POSTPONE HEARING ON NO₂ COMPLIANCE PROJECT**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, Florida Administrative Code (2013), hereby moves to postpone the hearing on the NO₂ Compliance Project that is presently scheduled for December 19-20, 2013, in order to allow FPL an opportunity to amend its petition and supporting testimony concerning identification of the most cost-effective alternative to comply with the 1-hour NO₂ standard that is the environmental compliance regulation driving this Project. In support of this motion, FPL states as follows:

1. On June 28, 2013, FPL filed a Petition and supporting testimony that identified alternatives to address the new 1-hour NO₂ standard that the Florida Department of Environmental Protection ("FDEP") administers pursuant to delegated authority under the federal Clean Air Act. Subsequently, several more alternatives to meet the 1-hour NO₂ standard have been proposed, by both FPL and DeSoto County Generating Company ("DeSoto"). Recently, FDEP has advised that additional data is needed to confirm certain exceedances of the 1-hour standard that are predicted by FPL's air-dispersion modeling, through a limited period of monitoring actual air quality.

2. FPL believes the most efficient course is for the Commission to postpone the scheduled December 19-20 hearing. FPL will work with Staff and the parties to propose an appropriate schedule for FPL to file an amended petition and supporting testimony and then move through discovery and the filing of intervenor and rebuttal testimony toward a hearing.

3. Order No. PSC-13-0490-PCO-EI provides that “pending a final Commission decision regarding the [NO₂ Compliance] Project, FPL’s projected 2013 and 2014 Project costs shall be included in setting the 2014 factor” for ECRC recovery. In view of FPL’s request to postpone the hearing, FPL would have no objection to the Commission’s approving a revised 2014 ECRC factor that does not include Project costs, with the understanding that if Project costs are ultimately approved for ECRC recovery pursuant to FPL’s amended petition, it would recover 2013 and 2014 Project costs via the true-up process. FPL suggests that approval of the revised ECRC factor could be done administratively by Staff, as the revised overall ECRC factor and the resulting factors for each rate class are all contained in FPL’s responses to Staff Interrogatory Nos. 48 and 49, which are part of Hearing Exhibit 2, Item 7 that was stipulated into the record of the November 4, 2013 hearing.

4. FPL notified the parties participating in this proceeding with respect to the NO₂ Compliance Project that it intends to file this motion and solicited their positions on the motion. The Office of Public Counsel states that is unable to take a position at this time and will provide its position in its response to the motion, if it files one. DeSoto has stated that it takes no position on the motion, but may file a response after reviewing the motion as filed. FIPUG has stated that it does not support the motion.

WHEREFORE, FPL respectfully requests that the Commission postpone the December 19-20 hearing that is currently scheduled for the NO₂ Compliance Project and issue a revised procedural schedule, including new prefiled testimony and hearing dates, upon the filing by FPL of an amended petition in this proceeding.

Respectfully submitted,

John T. Butler
Assistant General Counsel – Regulatory
Maria J. Moncada
Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5795
Facsimile: (561) 691-7135
Email: maria.moncada@fpl.com

By: s/ John T. Butler
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 130007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion To Postpone Hearing on NO₂ Compliance Project has been furnished by electronic mail this 27th day of November, 2013 to the following:

Charles Murphy, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
cmurphy@psc.state.fl.us

James D. Beasley, Esq.
J. Jeffrey Wahlen, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, Florida 32302
jbeasley@ausely.com
jwahlen@ausley.com
Attorneys for Tampa Electric

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Steven R. Griffin, Esq.
Beggs & Lane
501 Commendencia Street
Pensacola, Florida 32502
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com
Attorneys for Gulf Power

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314
garyp@hgslaw.com
Attorneys for Progress Energy Florida

J. R. Kelly, Esq.
Patricia Christensen, Esq.
Charles Rehwinkel, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 W Madison St. Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
christensen.patty@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us

John T. Burnett, Esq.
Dianne Triplett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
dianne.triplett@pgnmail.com
Attorneys for Progress

Jon C. Moyle, Esq.
Moyle Law Firm, P.A.
118 N. Gadsden St.
Tallahassee, FL 32301
jmoyle@moylelaw.com
Co-Counsel for FIPUG

James W. Brew, Esq.
F. Alvin Taylor, Esq.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@bbrslaw.com
ataylor@bbrslaw.com
Attorney for White Springs

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Garner, Bist, Wiener, et al
1300 Thomaswood Dr.
Tallahassee, FL 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for DeSoto County Generating
Company, LLC

By: *s/John T. Butler* _____
John T. Butler
Fla. Bar No. 283479