

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of optional non-standard meter rider, by Florida Power & Light Company

Docket No. 130223-EI

Filed: February 25, 2014

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR LIMITED WAIVER OF TIME FOR FINAL COMMISSION ACTION**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-106.204, Florida Administrative Code, respectfully requests the entry of an order granting a limited waiver of the 12 month requirement for final Commission action in this proceeding. More specifically, FPL requests the entry of an order enlarging the time within which the Commission shall take final action in this docket such that final Commission action shall be taken no later than December 31, 2014. In support of this request, FPL states as follows:

1. FPL filed its Petition for Approval of Optional Non-Standard Meter Rider ("Opt-Out Petition") on August 21, 2013. As a result, §366.06(3), Florida Statutes, requires the Commission to enter its final order within 12 months of the commencement of the proceeding or no later than August 20, 2014.

2. In Order No. PSC-14-0036-TRF-EI dated January 14, 2014, the Commission denied FPL's Opt-Out Petition as filed, but ruled that FPL at its option could file a revised tariff that reduced the Enrollment Fee from \$105 to \$95 and the Monthly Surcharge from \$16 to \$13. FPL thereafter timely filed the revised tariff meeting the conditions of the Commission's order.

3. On February 4, 2014, two groups of FPL customers filed petitions ostensibly requesting the Commission to schedule an administrative hearing.

4. On February 18, 2014, Commission Staff ("Staff") conducted an informal issue identification conference, during which the parties discussed the 3 proposed issues identified by

FPL, 7 proposed issues identified by Staff (FPL's issues were essentially subsumed by Staff's issues), and 69 proposed issues identified by the petitioners.

5. On that same day (February 18, 2014), the Commission Clerk entered the Order Establishing Procedure ("OEP") in this docket. The OEP identified the dates for filing all testimony in order to bring this matter to hearing in late May to allow for final Commission action within the 12 months as noted above.

6. On February 21, 2014, FPL filed motions to dismiss substantial portions of the two pending petitions. The Commission's rulings on the motions will dramatically impact the scope of the testimony to be filed by all parties as well as the scope of the ultimate hearing. FPL understands that the motions to dismiss will likely be addressed by the Commission during its April 10, 2014 Agenda Conference, or at the earliest during the March 13, 2014 Agenda Conference. However, under the current OEP, FPL's initial testimony is due March 11, 2014, two days before the earliest date on which the parties may obtain a Commission decision on the Motions to Dismiss.

7. FPL's request for a limited waiver of the 12 month clock (through December 31, 2014) with a corresponding revision of the OEP will greatly facilitate the filing of testimony relevant to the issues that remain following the Commission's ruling on the pending motions to dismiss, and will generally provide for a more focused and orderly litigation of the matters which the Commission decides are appropriate for consideration.

8. No party will be prejudiced by the limited waiver proposed in this motion.

9. FPL has contacted the Office of Public Counsel, Qualified Representative Marilynne Martin, and Attorney Nicholas Jones regarding this request for a limited waiver of the 12 month requirement for issuance of a final order in this proceeding. Undersigned counsel is

authorized to represent that the Office of Public Counsel takes no position on this request and that Marilynne Martin consents to this request. Undersigned counsel further represents that he has attempted to contact Attorney Jones by telephone and through e-mail but at this time no response has been received. As a result undersigned can make no representation regarding Attorney Jones' position on the request contained in this motion.

10. This request is filed in good faith, for good cause, and not for the purpose of delay.

WHEREFORE, FPL respectfully requests the entry of an order granting a limited waiver of the 12 month requirement to allow for final Commission action in this docket no later than December 31, 2014.

Respectfully submitted this 25th day February 2014.

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CERTIFICATE OF SERVICE
DOCKET NO. 130223-EI

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail and/or U.S. Mail to the following parties on this 25th day of February, 2014:

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