

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No: 160021-EI
Filed: April 8, 2016

**CITIZENS' UNOPPOSED MOTION TO MODIFY KEY ACTIVITIES DATES AND
DISCOVERY TIMEFRAMES**

The Citizens of the State of Florida (Citizens), hereby file their Motion to Modify Key Activities Dates and Discovery Timeframes, and as grounds state the following:

1. By Order No. PSC-16-0125-PCO-EI, issued March 25, 2016, Order Establishing Procedure (OEP), the key activities dates were established as follows:
 - a) Intervenors' testimony and exhibits due July 14, 2016;
 - b) Staff's testimony and exhibits, if any, due July 25, 2016;
 - c) Rebuttal testimony and exhibits due August 8, 2016;
 - d) Discovery Cutoff established as August 12, 2016; and
 - e) Briefs due September 12, 2016.

The Prehearing Statement and Prehearing Conference are scheduled for August 5, 2016 and August 12, 2016, respectively, and will be unaffected by Citizens' request.

2. Citizens has identified two issues with the schedule related to the rebuttal testimony and Post Hearing Brief due dates. On Tuesday, April 5, 2016, an informal meeting was held to discuss Citizens' concerns. At this meeting, the Citizens presented the following information about the current schedule for discussion.

- a. First, the rebuttal testimony is due only 4 days before the end of discovery. Pursuant to the OEP, “[f]or discovery requests related to matters addressed in the utility’s rebuttal testimony, discovery responses shall be served within 10 days of receipt of the discovery request.” Citizens are concerned that these dates could materially impair our ability to conduct any meaningful discovery on rebuttal for a \$1.3 billion rate case. Second, the briefs are due only 10 days after the scheduled close of the hearing. Based on a review of the last two FPL rate case schedules, the parties were given more time between rebuttal testimony and the discovery cutoff deadline and the end of the hearing and the brief due date.
- b. In the 2012 rate case (120015-EI), there were 193 issues and FPL filed testimony for 17 rebuttal witnesses. In that case, there were 14 days between the rebuttal testimony filing date and discovery cutoff deadline. The schedule initially had at least 14 days allotted from the end of the hearing until the brief filing was due; however, this was amended to provide 22 days from the end of the hearing in which to file final briefs.
- c. In the 2008 rate case (080677-EI), there were 177 issues and FPL filed testimony for 19 rebuttal witnesses. In that case, there were 15 days between the rebuttal testimony filing date and discovery cutoff deadline. The schedule initially had at least 14 days allotted from the end of the hearing until the brief filing was due; however this was amended to provide 25 days from the end of the hearing in which to file final briefs.

3. In support of this motion, Citizens submit that the additional time between rebuttal testimony and discovery cutoff timeframe are essential to the conduct of meaningful discovery that includes the opportunity to conduct one very targeted round of written discovery for what could be 17 or more FPL rebuttal witnesses. Further, the additional time will facilitate the Citizens' ability to present a fully vetted case to the Commission.
4. Further, Citizens assert that at least 14 days between the end of hearing and briefs is needed given the complexity of an FPL rate case -- although this is less than previously allowed. The Citizens note that in the last two FPL rate cases, at the conclusion of the hearing, significantly more time (an additional 8 to 10 days) was granted for briefings due to the complexity of the case and number of issues. Similar to past FPL cases, Citizens may need to request additional time at the end of the hearing.
5. Based on discussions at the informal meeting, the Parties (FPL, FIPUG, OPC, and Walmart) agreed to modified key activities dates as follows:
 - a) Intervenors' testimony and exhibits due July 7, 2016;
 - b) Staff's testimony and exhibits, if any, due July 18, 2016;
 - c) Rebuttal testimony and exhibits due August 1, 2016;
 - d) Discovery Cutoff for Rebuttal testimony established as August 16, 2016; and
 - e) Briefs due September 16, 2016.
6. In addition to modifying these dates, and in order to facilitate the schedule modifications, the Parties made significant compromises and concurred that responses to discovery requests on Intervenors' testimony and exhibits would be shortened from 25 days to 10 days.

7. Citizens' Counsel conferred with the Parties to this matter. FPL has no objection to the proposed modified key activities dates in Paragraph 5 of the motion or to the proposed modified discovery response time for intervenor testimony in Paragraph 6. Counsel representing Florida Industrial Power User Group and Walmart have no objections to this Motion.

WHEREFORE, the Citizens hereby request that the Commission grant their Unopposed Motion to Modify Key Activities Dates and Discovery Timeframes and amend the Order Establishing Procedure in accordance with the agreed upon dates and discovery timeframes as outlined in the body of this Motion.

Respectfully Submitted

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 8th day of April, 2016, to the following:

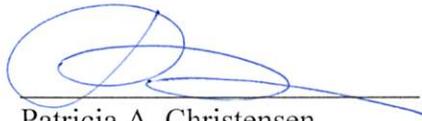
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