

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Rosario Rojo against
Florida Power & Light Company, Case No.
858880E.

DOCKET NO. 110069-EI
ORDER NO. PSC-11-0207-PCO-EI
ISSUED: April 26, 2011

ORDER GRANTING MOTION FOR EXTENSION OF TIME

On March 15, 2011, Ms. Rosario Rojo (Ms. Rojo) filed a formal complaint (Complaint) against Florida Power & Light Company (FPL) alleging that FPL has created a financial burden on Ms. Rojo emotionally and financially. On April 4, 2011, FPL filed its Motion to Dismiss Complaint with Prejudice (Motion) asserting that Ms. Rojo's complaint failed to state a cause of action upon which relief can be granted.

On April 12, 2011, pursuant to Chapter 28-106, Florida Administrative Code (F.A.C.), Ms. Rojo filed a Motion for Extension of Time to respond and oppose FPL's Motion. Ms. Rojo stated that FPL's allegations are false and she needed time to properly oppose FPL's Motion. On April 19, 2011, FPL filed its Reply requesting that Ms. Rojo's Motion for Extension of Time be denied as it did not comply with Rule 28-106.204, F.A.C., and was untimely.

I have reviewed Ms. Rojo's Motion for Extension of Time, and it appears that granting the extension of time will prejudice none of the parties. Although Ms. Rojo did not request a specific time in which to file her opposition, Ms. Rojo did file her Motion in Opposition to FPL's dismissal motion on April 12, 2011, the same day she filed her Motion for Extension of Time. Therefore, I find it reasonable and appropriate to grant Rosario Rojo's Motion for Extension of Time.

Based on the foregoing, it is


ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that the April 12, 2011 Motion for Extension of Time to Respond and Oppose Defendant's Motion to Dismiss with Prejudice, filed by Rosario Rojo, is hereby granted.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 26th day of April, 2011.



EDUARDO E. BALBIS

Commissioner and Prehearing Officer

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

www.floridapsc.com

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.