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June 16, 2006

**VIA HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk and  
Administrative Services  
Florida Public Service Commission  
Betty Easley Conference Center  
2540 Shumard Oak Boulevard, Room 110  
Tallahassee, FL 32399-0850

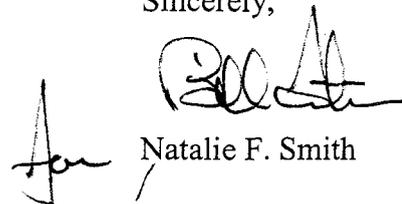
**Re: 060038-EI Florida Power & Light Company's Petition for Issuance of  
a Storm Recovery Financing Order**

Dear Ms. Bayo:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original and seven (7) copies of FPL's Motion to Accept Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI.

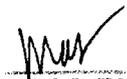
Also enclosed is a diskette containing FPL's Motion in Word. Please contact me should you or your staff have any questions regarding this filing.

Sincerely,

  
Natalie F. Smith

CMP \_\_\_\_\_  
COM 5 NFS:mn  
CTR \_\_\_\_\_ Enclosures  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
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OTH kump FPL Group company

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Florida Power & Light Company's	)	Docket No. 060038-EI
Petition for Issuance of a Storm Recovery	)	Filed: June 16, 2006
Financing Order	)	
<hr/>		

**FLORIDA POWER & LIGHT COMPANY'S MOTION TO ACCEPT MOTION FOR  
RECONSIDERATION AND REQUEST FOR CLARIFICATION  
OF ORDER NO. PSC-06-0464-FOF-EI**

Florida Power & Light Company ("FPL"), pursuant to Rule 25-106.204, Florida Administrative Code hereby files this Motion requesting that the Commission, through the Pre-Hearing Officer<sup>1</sup>, accept the Motion for Reconsideration and Request for Clarification of certain portions of Order No. PSC-06-0464-FOF-EI, dated May 30, 2006 ("Order 0464" or "Financing Order"), which was filed by FPL on June 6, 2006 in the above-referenced docket (the "Motion to Accept"). FPL's Motion for Reconsideration and Request for Clarification addresses matters associated with the issuance of storm-recovery bonds. FPL does not seek reconsideration or clarification of matters associated with the amount of storm-recovery costs authorized for approval and the related policy issues. FPL respectfully requests an expedited ruling on this Motion to Accept because a resolution of the issue of whether its Motion for Reconsideration will be heard by the Commission is needed in order to know whether the time for filing an appeal

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<sup>1</sup> It is consistent with Commission precedent for the Pre-Hearing Officer to rule on this type of interim procedural motion. *See* Order No. 24425, Docket No. 860723-TP (issued April 24, 1991) (prehearing officer ruled to accept motion for reconsideration filed one day late). As a practical matter, the Pre-Hearing Officer should rule on the Motion to Accept because the matter could not be addressed by the full Commission until the July 18, 2006 Agenda Conference, which is after the expiration of the time for filing an appeal if the Motion for Reconsideration is not accepted.

of Order 0464 has been tolled by the filing of the Motion for Reconsideration. The grounds for FPL's Motion to Accept are as follows:

### ARGUMENT

1. The Commission issued Order 0464 on May 30, 2006. Normally, parties are given 15 days to file a motion for reconsideration of a final order. *See* Rule 25-22.060(3), Florida Statutes. However, under Section 366.8260(2)(b)1.b., parties have only 5 days to file such a motion. Therefore, parties, including FPL, were given until June 6, 2006 to file for reconsideration of the PSC's Order.

2. On June 6, 2006, FPL electronically filed two pleadings in Docket No. 060038-EI: 1) a Request for Oral Argument on its Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI; and 2) a Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI. FPL e-mailed the Motion for Reconsideration at 4:49 p.m. and the Request for Oral Argument at 4:50 p.m. *See* Composite Exhibit A, which includes a screen shot of the two filings. FPL also electronically served copies of both pleadings on the parties to Docket No. 060038-EI and Staff at 4:49 p.m. *See* Exhibit B, which includes a screen shot of the e-mail serving parties and Staff. Based on the last 30 electronic filings made by the FPL employee who filed the Motion for Reconsideration and Request for Oral Argument, it usually takes 0 to 5 minutes for FPL to receive an electronic certificate that its filing has been received. *See* Exhibit C, Log of FPL employee Elizabeth Carrero addressing time lapses between filings and receipt of certificate in the most recent 30 electronic filings by this individual.

3. According to Commission records, the Request for Oral Argument was received by the Commission Division of Clerk and Administrative Services 9 minutes after it was e-

mailed, or at 4:59 p.m., on June 6. It was date stamped by the Commission staff as such. *See* Exhibit D, Date Stamped Copy of FPL's Request for Oral Argument. The Motion for Reconsideration and Request for Clarification was received at 5:01 p.m. on June 6, 12 minutes after it was e-mailed, and was date stamped by Commission staff as having been received on June 6. *See* Exhibit E, Date Stamped Copy of FPL's Motion for Reconsideration and Request for Clarification. As reflected above and in Exhibit C, this is an unusually long time delay for the transmittal of an electronic filing and return receipt certificate.

4. Subsequent to having date stamped the Motion for Reconsideration on June 6, the Clerk's office marked through the June 6 date and hand wrote a filing date of June 7, 2006. *See* Exhibit E. Accordingly, the docket files reflect that the filing was made on June 7, which is one day after the statutory deadline.

5. FPL's Motion for Reconsideration and Request for Clarification should be accepted as having been timely filed because it would have been accepted as timely had the pleading been filed in person and because there is no harm or prejudice to the other parties as a result of accepting FPL's Motion. Had this filing been made in person, as opposed to electronically, both filings would have been accepted as having been timely filed because the Division of Commission Clerk was open for business as evidenced by the fact that the documents were physically date stamped on June 6. By analogy to what would have occurred had FPL filed in person, the Clerk's office would not have kept the door open for the Request for Oral Argument, then shut the door on the Motion for Reconsideration and Request for Clarification. The filing should not be treated differently simply because it was made electronically instead of in person. Because both filings were made when the Clerk's office was open for business, both filings should be treated as timely filed.

6. Even if the Commission concludes that the Motion for Reconsideration is untimely because it was received at 5:01 p.m., the Commission has authority to accept the Motion for Reconsideration because there is no harm or prejudice to the other parties from doing so. Indeed, the Office of Public Counsel supports FPL's Motion to Accept and the other parties to the proceeding are not opposed. Because there is no harm or prejudice to the parties or the public from acceptance of a pleading received within 1 minute of the 5-day statutory deadline and because FPL cannot be deemed to have waived its right to file a motion for reconsideration, FPL's Motion for Reconsideration should be accepted. *See, e.g., Carter v. Department of Professional Reg.*, 633 So. 2d 3, 6 (Fla. 1994) ("*Carter*") (to obtain dismissal of a complaint as a result of the agency's failure to comply with the statutory time limits for filing an administrative complaint, a licensee must show that the resulting delay may have impaired the fairness of the proceedings or the correctness of the action and may have prejudiced the licensee); *Department of Env'tl. Reg. v. Puckett Oil Co.*, 577 So. 2d 988, 933 (Fla. 1st DCA 1991) ("*Puckett Oil*") (to demonstrate waiver, a party must have delayed "for a protracted length of time in taking the required action"); *Guerra v. Department of Labor and Employment Security*, 427 So. 2d 1098, 1103 (Fla. 3d DCA 1983) ("[t]he determination of whether a particular defect may be disregarded as merely harmless must be based in large measure on the nature and significance of the error and its relationship to the rights of the affected party").

7. Indeed, Section 120.68(7)(c), Florida Statutes, the appellate review provision of the Florida Administrative Procedure Act ("APA"), provides that "[t]he court shall remand a case to the agency ... or set aside agency action, as appropriate when it finds that ... [t]he fairness of the proceedings or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure." Therefore, under the APA,

agency action will not be reversed solely for a failure to follow prescribed procedure. The fairness of the proceedings or the correctness of the action *must* have been *impaired* by the failure to follow procedure in order to warrant reversal. There is no such impairment under these circumstances.

8. If the Legislature intended that the deadline operate as a jurisdictional bar to filing a motion for reconsideration, it would have said so. *See Carter*, 633 So. 2d at 6 (“if the Legislature had intended the dismissal of administrative complaints in actions in which the Department or Board acted outside the time limits of section 455.255, the Legislature would have expressly included a sanction of dismissal within the statute”); *Department of Env'tl. Reg. v. Puckett Oil Co.*, 577 So. 2d 988, 933 (Fla. 1st DCA 1991) (no statutory authority was delegated to the Division of Administrative Hearings to impose a sanction of dismissal with prejudice of a tardily filed response to an administrative petition; the Division’s power to permit such a late-filed response was reasonably implied from the statutes).<sup>2</sup> Indeed, the Commission has jurisdiction to accept FPL’s Motion for Reconsideration by virtue of its inherent authority and statutory duty to act on an order under its control as it deems appropriate and in the public interest. Until a final order is appealed to a court of competent jurisdiction, the power of the Public Service Commission to modify its orders is inherent by reason of the nature of the agency and the functions it is empowered to perform. *See, e.g.*, Sections 366.01, 366.05, Florida Statutes (2006); *Reedy Creek Utilities Co v. Florida Public Service Commission*, 418 So. 2d 249, 253 (Fla. 1982) (“[t]he Commission is charged with the statutory duty of regulating and

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<sup>2</sup> There is no legal distinction between accepting a motion for reconsideration filed after the deadline in the rule and accepting one filed after the deadline in the statute. Agencies are obligated by law to follow their own rules until amended through appropriate rulemaking procedures just as they are obligated to comply with statutes. *See, e.g., Cleveland Clinic v. Agency for Health Care Administration*, 679 So. 2d 1237, 1241 (Fla. 1<sup>st</sup> DCA 1996).

supervising public utilities with respect to their rates. When the Commission determined that it had erred to the detriment of the using public, it had the inherent power and the statutory duty to amend its order to protect the customer.”); *see also City of Homestead v. Beard*, 600 So. 2d 450, 454 (Fla. 1992); *Peoples Gas v. Mason*, 187 So. 2d 335, 338 (Fla. 1966). Certainly, if the Commission continues to have jurisdiction to reconsider the order on its own motion, it similarly has jurisdiction to accept FPL’s Motion for Reconsideration.

9. A one minute delay in receipt of the filing does not meet the standard of waiver of the right to file and causes no harm or prejudice to the parties or the public. FPL’s Motion for Reconsideration should be accepted under the harmless error rule espoused in the Administrative Procedure Act and applied in such cases as *Carter, Puckett Oil* and at least one previous Commission order. *See* Order No. 24425, Docket No. 860723-TP (issued April 24, 1991) (accepting motion for reconsideration filed one day late because doing so would not prejudice or injure any other party or the public in any way).

10. In addition, principles of equity and the doctrine of equitable tolling dictate that FPL’s motion for reconsideration should be accepted as having been timely filed. *See, e.g., Machules v. Department of Administration*, 523 So. 2d 1132 (Fla. 1988) (holding that the doctrine of equitable tolling expands time to file for appellate review because the 20-day deadline for filing an appeal was “not jurisdictional in the sense that failure to comply [was] an absolute bar to appeal, but [was] more analogous to statute[s] of limitations which are subject to equitable considerations such as tolling); *Stewart v. Department of Corrections*, 561 So. 2d 15, 16 (Fla. 4th DCA 1990) (holding that reasonably prudent regard for appellant’s rights dictates that the doctrine of equitable tolling be applied and that appellant be allowed to pursue his appeal despite having filed one day late); Order No. PSC-04-0743-PCO-EI, Docket No. 040208-EI

(issued Aug. 3, 2004) (permitting late-filed request for hearing under doctrine of equitable tolling where equitable circumstances prevented a timely filing).<sup>3</sup>

11. FPL understands that the Commission has previously cited the case *City of Hollywood v. Public Employees Relations Commission*, 432 So. 2d 79 (Fla. 4th DCA 1983) (“*City of Hollywood*”) as a bar to its ability to act on an untimely filed motion for reconsideration. The Commission should not read the *City of Hollywood* case in such a restrictive manner. If asked to do so, we believe the Florida Supreme Court would apply the harmless error rule and other cases concerning the Commission’s authority to act to uphold the Commission’s acceptance of FPL’s Motion for Reconsideration. The *City of Hollywood* case was issued by the Fourth District Court of Appeal in 1983 and has been cited in only one reported appellate decision since that time, but for a different proposition. Further, the *City of Hollywood* case is distinguishable from the circumstances at hand because, there, the court found there was no express authority in the APA, the rules of the Public Employee Relations Commission, or in the Model Rules of Procedure to extend the time for filing a motion for reconsideration. The *City of Hollywood* court analogized that agency’s inherent power to act to that of a court and concluded that “if a circuit court cannot extend the time for filing a motion for new trial in a criminal case, then it would seem to follow that an agency cannot extend the time for filing a motion for reconsideration in an administration proceeding.” *See id.* at 81. As is discussed above, unlike the Public Employee Relations Commission, numerous courts have found that the PSC has broad inherent authority to act in the public interest on an order under its

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<sup>3</sup> The Legislature has recently clarified that it did not, by its 1998 Amendments to the Florida Administrative Procedure Act, intend to legislatively overrule cases applying the defense of equitable tolling or excusable neglect in administrative proceedings, which is contrary to the court’s holding in *Patz v. Department of Health*, 864 So. 2d 79, 81 (Fla. 3rd DCA 2003) and a line of cases relying on *Patz* and its logic. *See* 2006 SB 262, Section 6., which was signed into law by the Governor on June 7, 2006.

control. Further, numerous cases subsequent to the issuance of *City of Hollywood* case, including cases issued by the Fourth District Court of Appeal, have concluded that appellate courts have jurisdiction to accept late-filed motions for rehearing, which are more akin to, if not identical to, a motion for reconsideration unlike a motion for new trial to which the *City of Hollywood* court analogized. See, e.g., *Zielke v. State*, 839 So. 2d 911 (Fla. 5th DCA 2003); *Thompson v. Singletary*, 659 So. 2d 435 (Fla. 4th DCA 1995); *Maffea v. Moe*, 483 So. 2d 829 (Fla. 4th DCA 1986). Also, despite the *City of Hollywood* case, the Commission has since then applied the harmless error rule to accept a late-filed motion for reconsideration. See Order No. 24425, Docket No. 860723-TP (issued April 24, 1991).

12. FPL's Request for Oral Argument was timely received and its Motion for Reconsideration was only one minute late. Clearly, therefore, FPL acted in reasonably prudent regard for its rights in attempting to meet the aggressive 5-day statutory deadline. Because the Clerk's office was open for business to physically date stamp both of FPL's pleadings on June 6, both pleadings would have been treated as having been timely filed had FPL filed in person rather than electronically. Further, FPL represented in its pleading that it contacted the parties to the proceeding prior to filing its Motion for Reconsideration and Request for Clarification and no party was opposed to FPL's filing. No party will be harmed or prejudiced in any way by the Commission's consideration of FPL's pleading electronically received one minute after the statutory deadline. In light of the Commission's inherent authority to act in the public interest, FPL's pleading should be accepted and considered based on the doctrine of equitable tolling and the harmless error rule.

13. FPL has conferred with the other parties and is authorized to represent that OPC supports the Motion to Accept and AARP, the Federal Executive Agencies and Florida Industrial

Power Users Group are not opposed. The Florida Retail Federation takes no position on the Motion to Accept. Attempts to reach the Office of the Attorney General prior to filing this Motion were unsuccessful. FPL is authorized to represent that none of the parties it reached before filing this Motion to Accept intend to file a response to the Motion for Reconsideration.

**WHEREFORE**, for the above and foregoing reasons, Florida Power & Light Company respectfully requests that the Commission grant its Motion to Accept its Motion for Reconsideration and Request for Clarification on an expedited basis.

Respectfully submitted this 16th day of June, 2006.

By: s/ Natalie F. Smith  
R. Wade Litchfield  
Bryan Anderson  
John T. Butler  
Natalie F. Smith  
Attorneys for Florida Power & Light  
Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail and United States Mail on the 16th day of June, 2006, to the following:

Wm. Cochran Keating, IV, Esquire  
Florida Public Service Commission  
Division of Legal Services  
Gerald L. Gunter Building  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Harold A. McLean, Esquire  
Charles J. Beck, Esquire  
Joseph A. McGlothlin, Esquire  
Patricia A. Christensen, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
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Lieutenant Colonel Karen White  
and Captain Damund Williams  
AFCESA/ULT  
139 Barnes Drive  
Tyndall Air Force Base, Florida 32403  
Attorneys for the Federal Executive Agencies

Christopher M. Kise  
Solicitor General  
Jack Shreve  
Senior General Counsel  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

By: s/Natalie F. Smith  
Natalie F. Smith, Esquire

Electronic Filing for Docket No. 060038-EI - Florida Power & Light Company's Motion for Reconsideration and ...

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Corporate Notes Page Elizabeth Carrero - Sent Electronic Filing for Docket No. 060038-EI - Florida Po... notes

New Memo Reply Forward Delete Folder Copy into Tools

**Elizabeth Carrero**  
 06/06/2006 04:49 PM  
 FPL

To: filings@psc.state.fl.us  
 Wade Litchfield/GC/FPL@FPL, Natalie Smith/GC/FPL@FPL, Kirk Gillen/RAD/FPL@FPL, Nanci Nesmith/RAD/FPL@FPL, Bill Feaster/RAD/FPL@FPL, Lynne Adams/RAD/FPL@FPL, Bryan Anderson/GC/FPL@FPL, Jack

Subject: Electronic Filing for Docket No. 060038-EI - Florida Power & Light Company's Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI

**Electronic Filing**

a. Person responsible for this electronic filing:

R. Wade Litchfield  
 Associate General Counsel  
 Florida Power & Light Company  
 700 Universe Blvd.  
 Juno Beach, FL 33408  
 (561) 691-7101  
 wade\_litchfield@fpl.com

b. Docket No. 060038-EI - Petition for issuance of a storm recovery financing order, by Florida Power & Light Company

1038 unread document[s] remaining Office

start 10:50 AM Friday 6/16/2006

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**Electronic Filing for Docket No. 060038-EI - Florida Power & Light Company's Request for Oral Argument - Lot...**

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Corporate Notes Page Elizabeth Carrero - Sent > Electronic Filing for Docket No. 060038-EI - Florida Po... notes

New Memo Reply Forward Delete Folder Copy into Tools

**FPL**

Elizabeth Carrero  
06/06/2006 04:50 PM

To: filings@psc.state.fl.us

cc: Wade Litchfield/GC/FPL@FPL, Natalie Smith/GC/FPL@FPL, Kirk Gillen/RAD/FPL@FPL, Nanci Nesmith/RAD/FPL@FPL, Bill Feaster/RAD/FPL@FPL, Lynne Adams/RAD/FPL@FPL, Bryan Anderson/GC/FPL@FPL, Jack

Subject: Electronic Filing for Docket No. 060038-EI - Florida Power & Light Company's Request for Oral Argument

**Electronic Filing**

**a.** Person responsible for this electronic filing:

R. Wade Litchfield  
Associate General Counsel  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408  
(561) 691-7101  
wade\_litchfield@fpl.com

**b.** Docket No. 060038-EI - Petition for issuance of a storm recovery financing order, by Florida Power & Light Company

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> Electronic Filing for ... Microsoft Word

The screenshot shows a Lotus Notes application window titled "> Docket 060038-EI FPL's Motion for Reconsideration and Request for Oral Argument - Lotus Notes". The interface includes a menu bar (File, Edit, View, Create, Actions, Attachment, Help) and a toolbar with various icons. The email header shows it was sent by Elizabeth Carrero on 06/06/2006 at 04:49 PM. The recipient list includes Charles Beck, Joseph McGlothlin, Patty Christensen, Joseph Weating, Jim McWhirter, and Terry Mac-Law. The subject is "Docket 060038-EI FPL's Motion for Reconsideration and Request for Oral Argument". The body of the email contains the following text:

Attached please find Florida Power & Light Company's Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI and a Request for Oral Argument

Thank you.

[FPL Motion for Reconsideration and Request for Clarification FINAL June 6 2006.pdf](#)

[FPL Request for Oral Argument FINAL June 6 2006.pdf](#)

The bottom of the window shows a taskbar with the "start" button, a system tray with the time 10:54 AM, date Friday, 6/16/2006, and a notification for "1037 unread document(s) remaining". An active window for "Microsoft Word" is also visible.

## Prior submissions

Dated Submitted	Docket No./Document Name	# of Pages	Time Submitted	Time Confirmed	Time Difference (minutes)
6/7/06	Docket #060038-EI Motion for Reconsideration	39	4:49 p.m.	5:01 p.m.	12
6/6/06	Docket # 060038-EI Request for Oral Argument	4	4:50 p.m.	4:59 p.m.	9
5/26/06	Docket #060173-EU Joint Post-Workshop Comments	10	11:42 a.m.	11:47 a.m.	5
5/22/06	Docket #060355-EI FPL's Motion for Stay of Proceedings	8	4:04 p.m.	4:04 p.m.	0
5/4/06	Docket #060355-EI Notice of Appearance	2	3:25 p.m.	3:25 p.m.	0
4/18/06	Docket #060038-EI Notice of Intent to Request Official Recognition	4	3:05 p.m.	3:05 p.m.	0
4/18/06	Docket #060038-EI Motion for Protective Order to Exempt from Fla. Stat Confidential Info at the Formal Hearing	5	3:44 p.m.	3:44 p.m.	0
4/11/06	Docket #060038-EI Withdrawal of Notice of Intent	15	4:03 p.m.	4:04 p.m.	1
4/10/06	Docket #060038-EI Prehearing Statement	40	4:46 p.m.	4:47 p.m.	1
3/29/06	Docket #060038-EI Notice of Depo	5	11:36 a.m.	11:36 a.m.	0
3/29/06	Docket #060038-EI Notice of Depo	5	11:36 a.m.	11:36 a.m.	0
3/29/06	Docket #060038-EI Notice of Depo	5	11:37 a.m.	11:37 a.m.	0
3/29/06	Docket #060038-EI Notice of Depo	5	11:37 a.m.	11:37 a.m.	0
3/29/06	Docket #060038-EI Notice of Depo	5	11:38 a.m.	11:38 a.m.	0
3/29/06	Docket #060038-EI Notice of Service	2	2:17 p.m.	2:17 p.m.	0
3/29/06	Docket #060038-EI Notice of Service	2	4:29 p.m.	4:29 p.m.	0

## Prior submissions

Dated Submitted	Docket No./Document Name	# of Pages	Time Submitted	Time Confirmed	Time Difference (minutes)
3/28/06	Docket #060038-EI Notice of Depo	3	10:58 a.m.	10:58 a.m.	0
03/24/06	Docket #060150-EI Response to Petition to Intervene	5	2:35 p.m.	2:35 p.m.	0
03/24/06	Docket #060150-EI Response to Petition to Intervene	5	2:35 p.m.	2:36 p.m.	1
3/24/06	Docket #060038-EI Notice of Depo	3	9:38 a.m.	9:38 a.m.	0
3/24/06	Docket #060038-EI Notice of Depo	3	9:39 a.m.	9:39 a.m.	0
3/16/06	Docket #060038-EI Notice of Service	1	2:19 p.m.	2:19 p.m.	0
3/16/06	Docket #060038-EI Notice of Service	2	4:39 p.m.	No confirmation	
3/16/06	Docket #060038-EI Notice of Service	2	4:42 p.m.	4:47 p.m.	5
3/16/06	Docket #060038-EI Notice of Service	2	4:42 p.m.	4:47 p.m.	5
3/16/06	Docket #060038-EI Notice of Service	2	4:44 p.m.	4:47 p.m.	3
3/14/06	Docket #060174-EG Petition for Interim Extension	3	9:23 a.m.	9:24 a.m.	1
3/9/06	Docket #060038-EI Notice of Service	2	4:55 p.m.	4:55 p.m.	0
3/8/06	Docket #060002-EG Withdrawal of 2 <sup>nd</sup> Request for Extension	1	11:00 a.m.	11:00 a.m.	0
3/8/06	Docket #060002-EG Disregard Withdrawal Filing	E-mail	2:48 p.m.	2:49 p.m.	1

CCA Official Filing  
6/6/2006 4:59 PM\*\*\*\*\*

4:59 PM\*\*\*\*\*

ORIGINAL

Timolyn Henry\*\*\*\*\*1

**Timolyn Henry**

**From:** Elizabeth\_Carrero@fpl.com  
**Sent:** Tuesday, June 06, 2006 4:50 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Natalie\_Smith@fpl.com; Kirk\_Gillen@fpl.com; Nanci\_Nesmith@fpl.com; Bill\_Feaster@fpl.com; Lynne\_Adams@fpl.com; Bryan\_Anderson@fpl.com; Jack\_Leon@fpl.com; John\_Butler@fpl.com; Jacqueline\_Bussey@fpl.com  
**Subject:** Electronic Filing for Docket No. 060038-EI - Florida Power & Light Company's Request for Oral Argument

**Attachments:** FPL Request for Oral Argument FINAL June 6 2006.doc

CMP \_\_\_\_\_  
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 SEC 1  
 OTH \_\_\_\_\_



FPL Request for Oral Argument ...

**Electronic Filing**

a. Person responsible for this electronic filing:

R. Wade Litchfield  
 Associate General Counsel  
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 700 Universe Blvd.  
 Juno Beach, FL 33408  
 (561) 691-7101  
 wade\_litchfield@fpl.com

b. Docket No. 060038-EI - Petition for issuance of a storm recovery financing order, by Florida Power & Light Company

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Request for Oral Argument

(See attached file: FPL Request for Oral Argument FINAL June 6 2006.doc)

Thank you for your attention and cooperation to this request.

Elizabeth Carrero, Legal Asst  
 Wade Litchfield, Esq. and Natalie Smith, Esq.  
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DOCUMENT NUMBER-DATE

04872 JUN-06

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Timolyn Henry\*\*\*\*\*1

**Timolyn Henry**

**From:** Elizabeth\_Carrero@fpl.com  
**Sent:** Tuesday, June 06, 2006 4:50 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Natalie\_Smith@fpl.com; Kirk\_Gillen@fpl.com;  
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**Subject:** Electronic Filing for Docket No. 060038-EI - Florida Power & Light Company's Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI

**Attachments:** FPL Motion for Reconsideration and Request for Clarification FINAL June 6 2006.doc



FPL Motion for Reconsideration...

**Electronic Filing**

**a. Person responsible for this electronic filing:**

R. Wade Litchfield  
 Associate General Counsel  
 Florida Power & Light Company  
 700 Universe Blvd.  
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 (561) 691-7101  
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b. Docket No. 060038-EI - Petition for issuance of a storm recovery financing order, by Florida Power & Light Company

c. Document being filed on behalf of Florida Power & Light Company.

d. There are a total of 39 pages.

e. The document attached for electronic filing is Florida Power & Light Company's Motion for Reconsideration and Request for Clarification of Order No. PSC-06-0464-FOF-EI.

(See attached file: FPL Motion for Reconsideration and Request for Clarification FINAL June 6 2006.doc)

Thank you for your attention and cooperation to this request.

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