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Sent:

Tuesday, May 12, 2009 11:18 AM

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'jyarbrough@southdaytona.org'; Stern, Marlene

Subject:

Electronic Filing: Docket Nos. 070231-El and 080244-El - FPL's M/Extension of time

Attachments: M Extension of Time (Rebuttal).doc; M Extension of Time (Rebuttal).pdf

Electronic Filing

a. Person responsible for this electronic filing:

John T. Butler, Esq. 700 Universe Boulevard Juno Beach, FL 33408 561-304-5639 John.Butler@fpl.com

b. Docket No. 080244-EI: In Re: Petition for Approval of Underground Conversion tariff revisions; and

Docket No. 070231-EI: In Re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company

- c. The document is being filed on behalf of Florida Power & Light Company.
- d. There are a total of 3 pages.
- e. The document attached for electronic filing is Florida Power & Light Company's Motion for Extension of Time

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DOCUMENT NUMBER-DATE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

| In re: Petition for Approval of Underground Conversion Tariff Revisions. |))) | Docket No. 080244-EI |
|---|-------------|---|
| In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, |) | Docket No. 070231-EI Filed: May 12, 2009 |
| by Florida Power & Light Company. |) | |

FLORIDA POWER & LIGHT COMPANY'S MOTION FOR EXTENSION OF TIME

Florida Power & Light Company ("FPL") hereby respectfully moves the Florida Public Services Commission for an order granting FPL a one-day extension of time within which to file its rebuttal testimony in this proceeding and, as grounds therefor, states the following.

- 1. On February 25, 2009, the Commission entered Order No. PSC-09-0114-PCO-EI entitled "Order Consolidating Dockets and Establishing Procedure" (hereinafter referred to as the "Order"). The entry of this Order consolidated Docket Nos. 070231-EI and 08244-EI and established the procedures and controlling dates. On March 10, 2009, the Commission entered Order No. PSC-09-0145-PCO-EI amending the filing date for Rebuttal testimony and exhibits to May 13, 2009, and on April 16, 2009, the Commission entered Order No. PSC-09-0237-PCO-EI, which further amended the filing date to May 14, 2009.
- 2. On May 7, 2009, FPL took the deposition of Municipal Underground Utilities

 Consortium witness Peter Rant, in which Mr. Rant was not able to provide certain key

 information about his proposed calculation of the overhead underground operational cost

 differentials because of potential confidentiality concerns. The parties agreed that Mr. Rant

 DOCUMENT RUMBLES DATE

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would provide the requested information in the form of late-filed Exhibit 2, subject to a claim of

confidentiality. However, disclosure of that information has been delayed because of the need to

address the confidentiality concerns. As of the filing of this Motion, FPL has not yet received

late-filed Exhibit 2.

Due to the delay in receipt of the information that is to be provided in late-filed 3.

Exhibit 2, FPL needs additional time to complete its Rebuttal testimony and exhibits. Because

the prehearing conference is scheduled for Monday, May18, 2009, FPL is proposing only a one-

day extension of the rebuttal deadline, to Friday, May 15, 2009.

Counsel for all parties to this proceeding as well as the Commission Staff have 4.

stated that they have no objection to extending the rebuttal deadline to May 15, 2009.

WHEREFORE, Florida Power & Light Company respectfully requests the Commission,

through the Pre-hearing Officer assigned to this docket, to issue an order extending the deadline

for filing Rebuttal testimony and exhibits in this proceeding to May 15, 2009.

DATED this 12th day of May 2009.

Respectfully submitted,

John T. Butler

Managing Attorney

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By: <u>/s/ John T. Butler</u>

John T. Butler

Fla. Bar No. 283479

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CERTIFICATE OF SERVICE Docket Nos. 080244-EI and 070231-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery on the 12th day of May, 2009, to the following persons:

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