

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida Power & Light Company.

DOCKET NO. 080677-EI

In re: 2009 depreciation and dismantlement study by Florida Power & Light Company.

DOCKET NO. 090130-EI

ORDER NO. PSC-09-0559-PCO-EI

ISSUED: August 13, 2009

ORDER GRANTING MOTIONS FOR EXTENSION OF TIME

I. Case Background

On November 17, 2008, Florida Power & Light Company (FPL) filed a test year letter, as required by Rule 25-6.140, Florida Administrative Code (F.A.C.), notifying this Commission of its intent to file a petition in the Spring of 2009 for an increase in rates effective January 1, 2010. Pursuant to the provisions of Chapter 366, Florida Statutes (F.S.), and Rules 25-6.0425 and 25-6.043, F.A.C., FPL filed the petition for an increase in rates on March 18, 2009. On March 20, 2009, Order No. PSC-09-0159-PCO-EI (Order Establishing Procedure) was issued, setting forth the controlling dates in this proceeding, including that all parties file Prehearing Statements on or before July 31, 2009. On July 21, 2009, FPL filed an Agreed Motion for Enlargement of Time for Parties to File Prehearing Statements. By Order No. PSC-09-0521-PCO-EI, issued July 27, 2009, all parties were granted a 6-day extension, or until August 6, 2009, to file Prehearing Statements. On August 7, 2009, Associated Industries of Florida (AIF), Florida Association for Fairness in Rate Making (AFFIRM), and the City of South Daytona (the City) each filed a Motion for a One-Day Extension to File Prehearing Statements (Motions).

II. Motions for Extension of Time

A. AIF's Motion

In its Motion, AIF states that its counsel returned from a lengthy travel, during which time she did not have access to information relative or necessary to prepare AIF's Prehearing Statement. AIF asserts that a one-day delay in delivery of the Prehearing Statement will not prejudice, delay, or otherwise harm any party to this proceeding. AIF states that it has not been able to contact the other parties in this proceeding to ascertain their objection or agreement to its Motion due to the above-mentioned travel, but that it does not anticipate any objection to its motion for a one-day extension of time given its minimal impact on any party. After filing its Motion, AIF informed Commission staff that it was able to contact all parties, except the Federal Executive Agencies, and is authorized to represent that no party opposes the granting of the Motion.

DOCUMENT NUMBER-DATE

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B. AFFIRM's Motion

In its Motion, AFFIRM states that its counsel returned from a six day trip, during which time she was not able to coordinate the preparation of the Prehearing Statement in time to meet the August 6, 2009, deadline. AFFIRM asserts that it does not believe a one-day delay will disadvantage any party or frustrate the orderly process of the proceeding. AFFIRM states that it has been unable to contact the other parties in this proceeding to state their position with respect to its Motion, but that it believes in good faith there should be no objection to its request for a brief extension. After filing its Motion, AFFIRM informed Commission staff that it contacted the parties and is authorized to represent that no party opposes the granting of the Motion.

C. The City's Motion

In its Motion, the City states that its counsel was not able to obtain client approval of the Prehearing Statement in time to meet the August 6, 2009, deadline. The City asserts that no prejudice will result to any party as a result of the one-day extension because the City adopts the Office of Public Counsel's (OPC) positions, which were timely filed on August 6, 2009. Accordingly, the City contends that each party has had the same amount of time to consider the City's positions as they have OPC's. The City states that it expected to be able to file the Prehearing Statement by the deadline, thus it was not able to solicit the consent of the parties prior to filing its Motion. After filing its Motion, the City informed Commission staff that it contacted the parties and is authorized to represent that no party opposes the granting of the Motion.

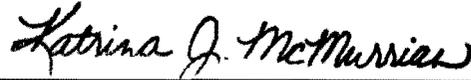
III. Ruling and Revised Controlling Date

Upon consideration, and noting no objection from the other parties, the Motions filed by AIF, AFFIRM, and the City for a one-day extension to file their Prehearing Statements are granted. A one-day extension to August 7, 2009, will not prejudice any party to this case, nor will it delay the proceedings in the above docket.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the Motions for One-Day Extension to File Prehearing Statements filed by the Associated Industries of Florida, the Florida Association for Fairness in Rate Making, and the City of South Daytona are hereby granted.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 13th day of August, 2009.



KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(SEAL)

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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 25-22.060, 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.