

State of Florida



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Public Service Commission

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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: September 24, 2009
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Kay Posey, Executive Secretary to Commissioner McMurrin *KP*
RE: Communication Received in Docket No. 080677-EI

This office has received the attached letter from Mr. R. Wade Litchfield, Vice President of Regulatory Affairs and Chief Regulatory Counsel, Florida Power & Light Company, regarding the above-noted docket.

The correspondence has not been viewed or considered in any way by Commissioner McMurrin. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as CEO 91-31-July 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of section 350.042, Florida Statutes. However, in such cases Commissioner McMurrin has requested that a copy of the correspondence be placed in the record of the above-referenced docket.

cc: Advisors to Commissioners

Attachment

DOCUMENT NUMBER-DATE

09947 SEP 25 8

FPSC-COMMISSION CLERK

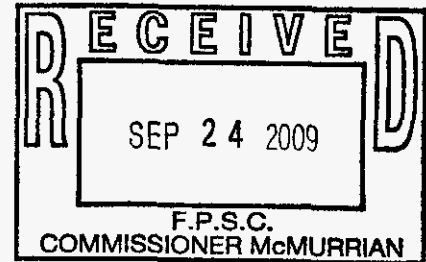


R Wade Litchfield
Vice President of Regulatory Affairs and
Chief Regulatory Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 691-7101
(561) 691-7135 (Facsimile)

September 24, 2009

Via Hand Delivery

The Honorable Matthew M. Carter II, Chairman
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



Re: Docket No. 080677-EI
In re: Petition for rate increase by Florida Power & Light Company
Proposed Schedule

Dear Chairman Carter,

I am writing to follow up on my letter dated September 22, 2009, concerning the remaining schedule for the technical hearing in Florida Power & Light Company's ("FPL's") rate case, Docket No. 080677-EI. It has come to my attention that the technical hearing in the Progress Energy Florida, Inc. ("PEF") rate case (Docket No. 090079-EI) is progressing rapidly, opening the possibility that it will not require all of the scheduled hearing days. In view of the critical importance of concluding FPL's rate case as quickly as possible, FPL asks that you make available any unused PEF hearing dates for continuing FPL's rate case hearing.

I recognize that the Commission cannot be certain how many of the PEF hearing days will be unused and that continuing FPL's rate case hearing in those days would thus entail short notice. At this time, however, it appears that there is a good likelihood that the PEF hearing will end on Wednesday, September 30. As a result, we would propose that FPL's hearing be scheduled to reconvene on Thursday, October 1, contingent on the completion of the Progress hearing on September 30, with the goal of completing the FPL hearing on October 1 and 2 and (if needed) Saturday, October 3. Given the efficient and timely manner in which the PEF hearing is proceeding, it appears reasonable to be able to plan to complete FPL's hearing within this time frame.

If you concur with this approach, I ask that the Commission provide notice of the intended dates for completing the FPL hearing as soon as possible. To further ensure adequate notice to all parties, FPL also proposes that, if the PEF hearing concludes after 5

The Honorable Matthew M. Carter II,
Chairman, Florida Public Service Commission
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PM on September 30, then the FPL hearing would not re-convene until 1 PM on October 1.

I ask that you carefully consider this proposal, as it could significantly ameliorate the scheduling problems that we are all facing currently. Of course, if there are variations on FPL's proposal that would accomplish the same end in a manner that better suited the Commission's needs, FPL would pledge to work to accommodate those variations.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Wade Litchfield". The signature is fluid and cursive, with a long horizontal stroke at the end.

R. Wade Litchfield

RWL:kw

cc: Honorable Lisa P. Edgar, Commissioner
Honorable Katrina J. McMurrian, Commissioner
Honorable Nathan A. Skop, Commissioner
Honorable Nancy Argenziano, Commissioner
All parties of Record in Docket No. 080677-EI