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Public Service Commission

October 6, 2009

RECEIVED-FPSC
09 OCT -6 AM 10:50
COMMISSION
CLERK

The Honorable Charlie Crist
Governor of Florida
The Capitol
Tallahassee, FL 32399 -0001

Re: FPSC Docket Nos. 080677-EI and 090079-EI

Dear Governor Crist:

At the request of the Chairman, I am writing to acknowledge your letter dated October 2, 2009, in which you ask the current Commissioners of the Florida Public Service Commission to postpone the final decision in the pending rate cases for Florida Power and Light Company (FPL) and Progress Energy Florida, Inc. (PEF) until the new Commissioners take office. As you recognize, these decisions have impacts on many Florida consumers. Those consumers are represented by differing parties to the dockets.

You addressed your request to all of the Commissioners. This is appropriate, because a decision to postpone, which bears the import and consequences for all FPL and PEF ratepayers, as well as for all parties to the dockets, should have input from all Commissioners. The Commission is a collegial body that must operate in the Sunshine. To meet the open meeting requirements of Florida law, the Commission must make its decisions at open, noticed public meetings.

Additionally, even though the Commission performs a quasi-legislative function when setting rates, the Commission does so in quasi-judicial proceedings where testimony is taken under oath, evidence is presented and admitted, and all sides have an opportunity to be heard. To avoid claims of violation of due process, the parties to both dockets should be permitted to address your request.

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To that end, the Commission will consider your request at the first available opportunity to conduct a public discussion and afford all parties an opportunity to be heard. To meet the noticing requirements in Florida law, this discussion will take place at our next regularly scheduled Agenda Conference, which is October 27, 2009.

Sincerely,



Mary Anne Helton
Acting General Counsel

MAH

cc: Chairman Matthew M. Carter II
Commissioner Lisa Polak Edgar
Commissioner Nancy Argenziano
Commissioner Nathan A. Skop
Mary Andrews Bane
Anne Cole, Commission Clerk
All Parties of Record