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To: Filings@psc.state.fl.us
Subject: Electronic Filing / Dkt 130198-EI / FPL's Response in Opposition to Petitioners' Motion to Continue Hearing
Attachments: 12.16.13 FPL Response to Motion to Continue.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 130198 - EI

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 Response in Opposition to Petitioners' Motion to Continue Hearing

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Florida Power & Light Company's
Petition for Prudence Determination Regarding
New Pipeline System

Docket No: 130198-EI
Date: December 16, 2013

**FLORIDA POWER & LIGHT COMPANY'S
RESPONSE IN OPPOSITION TO PETIONERS' MOTION
TO CONTINUE HEARING SET FOR DECEMBER 17TH 2013**

Florida Power & Light Company ("FPL") hereby responds to Petitioners' Motion to Continue Hearing Set for December 17th 2013 ("Motion to Continue"), and states as follows:

1. The Motion to Continue evidences a fundamental misunderstanding of the Commission's process. It assumes that the Commission intends to hold a "hearing" on December 17 for the parties to address FPL's motion to dismiss the Petitioners' protest petition. But that is not the case. Neither FPL nor the Petitioners sought oral argument concerning the motion to dismiss. Accordingly and consistent with Commission practice, the December 17 agenda states that "participation is at the Commission's discretion." There will be no opportunity for either party to participate at the agenda conference unless the Commission decides to allow such participation.

2. FPL suggests that no participation by the parties is needed. The motion to dismiss raises straightforward, unassailable reasons why the protest petition should be dismissed. Staff has concurred and recommends dismissal. If the Commission agrees that no input from the parties is needed, then there is no role for the parties to play at the agenda conference and hence no potential for prejudice to the Petitioners from their counsel not attending the agenda conference.¹

¹ If the Commission has questions for the parties about the motion to dismiss, FPL would not object to allowing counsel for the Petitioners participate via telephone at a time certain on December 17.

3. The Motion to Continue is just the latest of the Petitioners' delaying tactics. After FPL moved to dismiss, the Petitioners filed their response a full week after it was due, without even seeking leave for their belated filing. Two days later, they filed a belated motion for leave to file their belated response, which the prehearing officer properly denied in Order No. PSC-13-0651-PCO-EI. On Monday, December 9, the Commission scheduled FPL's motion to dismiss for the December 17 agenda conference, but the Petitioners waited until late in the day on Friday, December 13 – only two business days before the agenda conference -- to file their Motion to Continue. Nothing in the Motion to Continue suggests any reason why it could not have been filed earlier.

4. The Commission should not reward the Petitioners' delaying tactics. Further delay of a final decision on FPL's prudence petition could prejudice FPL and its customers if the permitting and development of the pipelines were slowed down by continued uncertainty about the status of the Commission's prudence decision in this proceeding.

WHEREFORE, FPL respectfully requests that the Motion to Continue be denied.

Respectfully submitted,

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By: s/ John T. Butler
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CERTIFICATE OF SERVICE
Docket No. 130198-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Motion to Continue Hearing Set for December 17th 2013 has been furnished by electronic mail this 16th day of December, 2013 to the following:

Beth Gordon, Esq.
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