

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation, by Florida Power & Light Company.

DOCKET NO. 150075-EI
ORDER NO. PSC-15-0143A-PCO-EI
ISSUED: June 5, 2015

SECOND ORDER ESTABLISHING PROCEDURE

On March 26, 2015, Order No. PSC-15-0143-PCO-EI was issued establishing the hearing procedures and controlling dates to be followed in Docket No. 150075-EI. Due to recent developments in this docket regarding the use of depositions of third party witnesses at hearing, the use of depositions as witness testimony, and possible objections to the entry of the depositions or part thereof into the record, Sections V. Prehearing Procedures, and Section VIII Controlling Dates in Order No. PSC-15-0143-PCO-EI, are amended as set forth herein.

This Amendatory Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

V. Prehearing Procedures

D. Motions to Strike Prefiled Testimony and Exhibits

Motions to strike any portion of the prefiled testimony and related portions of exhibits of any witness, including depositions of third party witnesses introduced in lieu of or in addition to witness testimony, shall be made in writing no later than **Thursday July 2, 2015** for deliberation at the Prehearing Conference. Motions to strike filed after the deadline shall be considered untimely, absent good cause shown.

G. Use of Depositions at Hearing

Absent agreement by all parties concerning the introduction of depositions into the record at the hearing, any party wishing to introduce all or part of a deposition at hearing for any purpose other than impeachment, must file a Notice of Intent to Use Deposition no later than **Monday June 8, 2015**, the deadline for filing Intervenor Testimony in this docket as set forth in Section VIII of Order No. PSC-15-0143-PCO-EI. The Notice shall include the following information for each deposition:

- (1) Name of witness deposed;
- (2) Date deposition was taken; and
- (3) Page and line numbers of each deposition the party seeks to introduce.

Objection(s) to the entry into the record of a deposition or portion thereof at hearing for purposes other than impeachment must be made in writing and served on all parties no later than **Thursday July 2, 2015** for deliberation at the Prehearing Conference on July 6, 2015 at the discretion of the Prehearing Officer. Ruling on the objections will be reflected by separate Order.

A Notice of Intent to Use Deposition filed after the June 8, 2015 deadline for filing Intervenor Testimony has passed shall be considered untimely, absent just cause shown. A motion to allow the late filing of a Notice of Intent to Use Deposition must be filed and served on all parties prior to the Prehearing Conference and no later than **Thursday, July 2, 2015** for determination of just cause by the Prehearing Officer. If the motion is granted, the filing of supplemental rebuttal testimony shall be allowed by a date certain prior to hearing.

VIII. Controlling Dates

The following dates have been added to reflect the deadlines for the additional activities established in this Order. All other dates set forth in Order No. PSC-15-0143-PCO-EI, remain the same.

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| (1) | Utility's direct testimony and exhibits | March 6, 2015 (filed) |
| (2) | Intervenor's Direct Testimony and Exhibits | June 8, 2015 |
| (3) | Notice of Intent to Use Deposition | June 8, 2015 |
| (4) | Staff's direct testimony and exhibits, if any | June 8, 2015 |
| (5) | Rebuttal testimony and exhibits | June 17, 2015 |
| (6) | Prehearing Statements | June 23, 2015 |
| (7) | Objection(s) to the Entry into the Record of a Deposition | July 2, 2015 |
| (8) | Motions to Strike Prefiled Testimony and Exhibits | July 2, 2015 |
| (9) | Motion to Allow Late Filing of Notice of Intent to Use Deposition | July 2, 2015 |
| (10) | Prehearing Conference | July 6, 2015 |
| (11) | Discovery deadline | July 10, 2015 |
| (12) | Hearing | July 28 – 29 , 2015 |
| (13) | Briefs | August 11, 2015 |

Based on the foregoing, it is

ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that Sections V and VIII in Order No. PSC-15-0143-PCO-EI, shall be amended as stated in the body of this Order. It is further

ORDERED that Order No. PSC-15-0143-PCO-EI is affirmed in all other respects.

By ORDER of Commissioner Jimmy Patronis, as Prehearing Officer, this 5th day of ~~May~~ June, 2015.

CSA



JIMMY PATRONIS
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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

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Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.