

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of arrangement to mitigate unfavorable impact of St. Johns River Power Park, by Florida Power & Light Company.

DOCKET NO. 20170123-EI
ORDER NO. PSC-2017-0270-PCO-EI
ISSUED: July 12, 2017

FIRST ORDER MODIFYING ORDER ESTABLISHING PROCEDURE

Order No. PSC-17-0216-PCO-EI, issued on June 13, 2017, established hearing procedures and controlling dates governing Florida Power & Light Company's (FPL) Petition for Approval of Arrangement to Mitigate Unfavorable Impact of St. Johns River Power Park (SJRPP), which is set for a technical hearing on September 13, 2017. On June 29, 2017, the Office of Public Counsel (OPC or Movant) filed a Motion to Extend the Filing Date for Intervenor Testimony (Motion). The Movant requests that the testimony filing date for Intervenor be moved from July 14, 2017 to July 21, 2017.

In support of its motion, the Movant states that a grant of additional time to file testimony will allow for a more full evaluation of the SJRPP Transaction¹ and, therefore, benefit customers and the public interest. Within its Motion, the Movant states that it has conferred with all parties in the docket and notes that FPL has no objection to a one week extension so that the following dates would apply:

OPC testimony:	July 21, 2017 (currently due July 14, 2017)
Staff testimony:	August 4, 2017 (currently due July 28, 2017)
FPL rebuttal:	August 14, 2017 (currently due August 7, 2017)
Prehearing Statement:	August 18, 2017 (currently due August 11, 2017)

FPL further advised the Movant of its position that a one week extension will allow all parties to remain on track for the August 28, 2017 Prehearing Conference and ultimately the September 13, 2017 Hearing. The Movant acknowledges that its only request was the week long extension of the deadline for filing the Intervenor testimony, but notes it does not object to FPL's proposal for changes to the other dates outlined above.

On July 6, 2017, FPL filed a Response to Citizens' Motion to Extend the Filing Date for Intervenor Testimony, indicating that OPC has accurately stated in its Motion that FPL does not object to the requested extension provided that a corresponding week extension also apply to Staff testimony, FPL rebuttal testimony and Prehearing Statements. FPL also notes that in absence of the corresponding one week extensions, and particularly the one week extension for

¹ Florida Power & Light Company's Petition for Approval of Arrangement to Mitigate Unfavorable Impact of St. Johns River Power Park Petition, page 1. The early termination of the Joint Ownership, Construction and Operation Agreement of SJRPP (the "JOA"), including the Article 8 PPA and the early shutdown, dismantlement and subsequent transfer of ownership interests in SJRPP collectively is referred as the "SJRPP Transaction."

FPL rebuttal testimony, FPL objects to OPC's Motion, as the granting of OPC's request without the corresponding extension for FPL rebuttal will unfairly prejudice FPL in its ability to review and analyze intervenor testimony, if any, and prepare and file its rebuttal case.

Having considered the parties' positions, Section VIII of the Order Establishing Procedure, Order No. PSC-17-0216-PCO-EI, shall be modified, and the following dates are established to govern key activities in this case, including the Prehearing Conference, which has been rescheduled as set forth below.

Intervenors' Testimony and Exhibits	July 21, 2017
Staff's Testimony and Exhibits	August 4, 2017
Rebuttal Testimony and Exhibits	August 14, 2017
Prehearing Statements	August 18, 2017
Discovery Deadline	August 28, 2017
Prehearing Conference	September 6, 2017
Hearing	September 13, 2017
Post-Hearing Briefs,	September 27, 2017

All other dates established within the Order Establishing Procedure shall remain unchanged.

Based on the foregoing, it is hereby

ORDERED by Chairman Julie I. Brown, as Prehearing Officer, that the Motion of the Office of Public Counsel to Extend the Filing Date for Intervenor Testimony is hereby granted. It is further

ORDERED that the controlling dates for key activities in this proceeding are modified as set forth herein. It is further

ORDERED that Order No. PSC-17-0216-PCO-EI is hereby affirmed in all other respects.

By ORDER of Chairman Julie I. Brown, as Prehearing Officer, this 12th day of July, 2017.



JULIE I. BROWN
Chairman and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

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 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 25-22.0376, 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.