

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 100009-EI
ORDER NO. PSC-10-0530-PCO-EI
ISSUED: August 18, 2010

ORDER DENYING MOTION FOR CONTINUANCE OR DEFERRAL

On August 2, 2010, Order No. PSC-10-0482-PCO-EI, was issued setting a Confidentiality Evidentiary Hearing for August 20, 2010, to consider confidentiality requests for all testimony and hearing exhibits that are to be used during the main hearing. This Order Setting a Confidentiality Evidentiary Hearing establishes the procedures and timeframe for the Nuclear Cost Recovery Hearing. The Nuclear Cost Recovery (NCRC) Hearing is scheduled for August 24, 2010.

On August 16, 2010, Florida Power & Light Company (FPL) filed a motion for continuance or deferral of the Confidentiality Evidentiary Hearing, stating that FPL and the Office of Public Counsel (OPC) have reached a stipulation to defer determination of the FPL-only issues set forth in the proposed stipulation to the 2011 NCRC hearing cycle. FPL seeks continuance of the Confidentiality Evidentiary Hearing until the beginning of the presentation of FPL's case in chief or to a later available hearing date.

The Nuclear Cost Recovery Hearing has been scheduled as a four day hearing without contemplating the time involved in hearing and ruling on confidentiality issues. A full day has been scheduled to hear and rule upon those matters. Therefore, cancelling or rescheduling the Confidentiality Evidentiary Hearing would be administratively inefficient. Moreover, if the stipulations are not approved by the Commission, or if a party objects to the stipulations, the hearing would then go forward without a ruling on testimony and exhibits that would be used at the hearing, potentially delaying or slowing the hearing. Accordingly, FPL's Motion for Continuance or Deferral of the August 20, 2010 Confidentiality Evidentiary Hearing is denied.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 18th day of August, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

LCB

RECEIVED NUMBER DATE

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FPSC-COMMISSION CLERK

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.