

Ruth Nettles

From: Stephanie Alexander [SDA@trippscott.com]
Sent: Thursday, July 23, 2009 2:02 PM
To: Filings@psc.state.fl.us; Lisa Bennett; Anna Williams; Martha Brown; Jean Hartman; Kelly.jr@leg.state.fl.us; mcglothlin.joseph@leg.state.fl.us; Charles Beck; kwiseman@andrewskurth.com; msundback@andrewskurth.com; jspina@andrewskurth.com; lisapurdy@andrewskurth.com; sugarman@sugarmansusskind.com; mbraswell@sugarmansusskind.com; swright@yvlaw.net; jlavia@yvlaw.net; joemcglothlin@gmail.com; jmoyle@kagmlaw.com; jmcwhirter@mac-law.com; barmstrong@ngnlaw.com; mstern@ngnlaw.com; cecilia.bradley@myfloridalegal.com; vkaufman@kagmlaw.com; Support@SaporitoEnergyConsultants.com; jess@sugarmansusskind.com; Butler, John; wade.litchfield@fpl.com
Cc: Dan Moore
Subject: Florida AFFIRM's Memorandum of Issues - Docket No. 080677-EI
Attachments: ESG -- Florida AFFIRM Memorandum of Proposed Issues (FPL).pdf

Attached please find Florida AFFIRM's Memorandum of Proposed Issues. Regards to all, Stephanie

Stephanie Alexander, Esq.
Tripp Scott, PA

Tallahassee Office
200 West College Avenue, Suite 216
Tallahassee, FL 32301
Tel: (850) 906-9100
Fax: (850) 906-9104

email: sda@trippscott.com
http: www.trippscott.com

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for increase in rates by)
Florida Power & Light Company)
)

Docket No. 080677-EI

AFFIRM'S PRELIMINARY LIST OF ISSUES

As contemplated by the Case Assignment and Scheduling Record, AFFIRM hereby provides its statement with respect to the preliminary list of issues to be considered at the informal meeting to be held by Commission staff and interested persons in this docket.

As reflected in AFFIRM's petition to intervene filed July 16, 2009, AFFIRM states that, in addition to the issues already identified by other parties in this docket, there is a factual issue and a legal issue in dispute with respect to appropriate commercial time of use rate of Florida Power & Light Company (FPL). These issues are as follows:

Factual Issue:

What are the appropriate commercial time of use rates to be charged by FPL?

Legal Issue.

Has FPL carried its burden of proof as to the legality and appropriateness of the proposed commercial time of use rates.

AFFIRM reserves the right to raise other issues as allowed under the applicable rules of procedure.

Dated: July 23, 2009.

Respectfully submitted,

By: /s/ Stephanie Alexander
Stephanie Alexander, Esq.

TRIPP SCOTT, PA
Attorneys for Intervenor
200 West College Avenue, Suite 216
Tallahassee, Florida 32301
Telephone: (850) 906-9100
Facsimile: (850) 906-9104
email: sda@trippscott.com

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically or by fax this 23rd day of July, 2009, to the following:

Lisa Bennett, Esquire
Anna Williams, Esquire
Martha Brown, Esquire
Jean Hartman, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
LBENNETT@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US
mbrown@psc.state.fl.us
JHARTMAN@PSC.STATE.FL.US

J.R. Kelly, Esquire
Joseph A. McGlothlin, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
Attorneys for the Citizens of the State
of Florida
Kelly.jr@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Jennifer L. Spina, Esquire
Lisa M. Purdy, Esquire
Andrews Kurth LLP
1350 I Street, NW, Suite 1100

Robert A. Sugarman, Esquire
D. Marcus Braswell, Jr., Esquire
c/o Sugarman & Susskind, P.A.
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
Attorneys for I.B.E.W. System Council U-4
sugarman@sugarmansusskind.com
mbraswell@sugarmansusskind.com

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
Attorneys for the Florida Retail Federation
swright@yvlaw.net
jlavia@yvlaw.net

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, FL 32301
Attorneys for The Florida Industrial Power

Washington, DC 20005
Attorneys for South Florida Hospital and
Healthcare Association ("SFHHA")
kwiseman@andrewskurth.com
msundback@andrewskurth.com
jspina@andrewskurth.com
lisapurdy@andrewskurth.com

John W. McWhirter, Jr., Esquire
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601
Attorneys for The Florida Industrial Power
Users Group (FIPUG)
jmcwhirter@mac-law.com

Thomas Saporito
Saporito Energy Consultants, Inc.
Post Office Box 8413
Jupiter, FL 33468-8413
support@SaporitoEnergyConsultants.com

Office of the Attorney General
Bill McCollum/Cecilia Bradley
The Capitol - PL01
Tallahassee, FL 32399-1050
Phone: 850-414-3300
FAX: 488-4872
cecilia.bradley@myfloridalegal.com
Florida Power & Light Company
Mr. Wade Litchfield
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859
Phone: (850) 521-3900
FAX: 521-3939
wade_litchfield@fpl.com

Users Group (FIPUG)
jmoyle@kagmlaw.com
vkaufman@kagmlaw.com

Brian P. Armstrong, Esquire
Marlene K. Stern, Esquire
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
Attorneys for the City of South Daytona,
Florida
barmstrong@ngnlaw.com
mstern@ngnlaw.com

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol - PL01
Tallahassee, FL 32399-1050
cecilia.bradley@myfloridalegal.com

**South Florida Hospital and Healthcare
Association**
6030 Hollywood Blvd.
Hollywood, FL 33024
Phone: 954-964-1660
FAX: 954-964-1260

Florida Power & Light Company (Juno
09e)
John T. Butler
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: 561-304-5137
FAX: 561-691-7135
John.Butler@fpl.com

By: /s/ Stephanie Alexander

Stephanie Alexander