

Dorothy Menasco

From: White, Jordan [Jordan.White@fpl.com]
Sent: Thursday, August 02, 2012 8:48 AM
To: Filings@psc.state.fl.us
Subject: Electronic Filing / Dkt 120015-EI / FPL's Motion to Strike South Florida Hospital and Healthcare Association's Supplement to its Motion to Compel

Attachments: Motion to Strike SFHHA's Supp to Motion to Compel.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Jordan A. White, Esq.
Florida Authorized House Counsel
(Admitted: UT, OR only)
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
561-304-5802
Jordan.White@fpl.com

b. Docket No. 120015 – EI
In re: Petition for rate increase by Florida Power & Light Company

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages

e. The document attached for electronic filing is Florida Power & Light Company’s Motion to Strike South Florida Hospital and Healthcare Association's Supplement to its Motion to Compel.

Jordan A. White, Esq.
Florida Authorized House Counsel
(Admitted: UT, OR only)
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
561-304-5802
Jordan.White@fpl.com

DOCUMENT NUMBER-DATE
05237 AUG-2 2012
FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida
Power & Light Company

Docket No. 120015-EI
August 2, 2012

**FLORIDA POWER & LIGHT COMPANY'S
MOTION TO STRIKE SOUTH FLORIDA HOSPITAL AND
HEALTHCARE ASSOCIATION'S SUPPLEMENT TO ITS MOTION TO COMPEL**

Pursuant to Rule 28-106.204¹, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL" or "Company"), hereby moves to strike the South Florida Hospital and Healthcare Association's ("SFHHA") Supplement to its Motion to Compel FPL to Respond to Certain Requests to Produce Documents [Nos. 8 and 87] ("Supplement"), and states:

SFHHA filed its Motion to Compel on July 24, 2012 ("Motion") and FPL timely filed its Response to the Motion on July 31, 2012. Rule, 28-106.204 does not contemplate the filing of supplemental filings beyond a motion and response. The Commission has repeatedly disallowed such additional pleadings in its proceedings. *See, In re: Complaint against Verizon Florida, LLC and MCI Communications Services, Inc. d/b/a Verizon Business Services for failure to pay intrastate access charges for the origination and termination of intrastate interexchange telecommunications service, by Bright House Networks Information Services (Florida), LLC*, Docket No. 110056-TP, Order No. PSC-11-0359-PCO-TP at 1 (Aug. 26, 2011).

In the *Verizon* case cited above, the Commission footnoted its policy regarding the disallowance of superfluous pleadings as follows:

See, for just one example, Order No. PSC-98-1435-PCO-EG, issued October 26, 1998, in Docket No. 971004-EG, In re: Adoption of Numeric Conservation Goals by Florida Power & Light Company, where we granted a motion to strike a reply to a response to a motion for a procedural order, stating that: 'the pleading cycle must stop at a reasonable point.'

¹ SFHHA's "Supplement" cites to Florida Rules of Civil Procedure 1.350(a) and 1.380(a)(2). Neither of these rules, however, address whether a party has the right to file a response to a response in opposition to a motion to compel.

Verizon, supra n.2, at 1.

The Commission's pronouncement is succinct and makes practical sense. If parties in complex proceedings such as rate cases were allowed to always have the "last word" (as attempted by SFHHA), unending motion practice would ensue, resulting in the unnecessary waste of the Commission's and other parties' time and resources. In short, the F.A.C. and Commission policy does not allow responses to responses.

For the foregoing reasons, SFHHA's Supplement to FPL's Response to SFHHA's Motion to Compel should be stricken and disregarded in its entirety.

Respectfully submitted this 2nd day of August 2012.

R. Wade Litchfield, Vice President and
General Counsel
John T. Butler, Assistant General Counsel-
Regulatory
Jordan White, Senior Attorney
Maria J. Moncada, Principal Attorney
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 691-7101
Facsimile: (561) 691-7135

By: *s/Jordan A. White*
Jordan A. White
Authorized House Counsel No. 97304

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strike South Florida Hospital and Healthcare Association's Supplement to its Motion to Compel has been furnished electronically this 2nd day of August 2012, to the following:

Caroline Klancke, Esquire
Keino Young, Esquire
Martha Brown, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-1400
cklancke@psc.state.fl.us
kyoung@psc.state.fl.us
mbrown@psc.state.fl.us

Robert Scheffel Wright, Esquire
John T. LaVia, III, Esquire
Gardner, Bist, Wiener, Wadsworth, Bowden,
Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
Attorneys for the Florida Retail Federation

Jon C. Moyle, Jr., Esquire
Vicki Gordon Kaufman, Esquire
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
vkaufman@moylelaw.com
**Attorneys for Florida Industrial
Power Users Group**

John W. Hendricks
367 S Shore Dr
Sarasota, FL 34234
jwhendricks@sti2.com

J. R. Kelly, Public Counsel
Joseph A. McGlothlin, Associate Public
Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
mcglothlin.joseph@leg.state.fl.us
rehwinkel.charles@leg.state.fl.us
christensen.Patty@leg.state.fl.us
noriega.tarik@leg.state.fl.us
merchant.Tricia@leg.state.fl.us

Kenneth L. Wiseman, Esquire
Mark F. Sundback, Esquire
Lisa M. Purdy, Esquire
William M. Rappolt, Esquire
J. Peter Ripley, Esquire
Andrews Kurth LLP
1350 I Street NW, Suite 1100
Washington, DC 20005
kwiseman@andrewskurth.com
msundback@andrewskurth.com
lpurdy@andrewskurth.com
wrappolt@andrewskurth.com
priphey@andrewskurth.com
**Attorneys for South Florida Hospital and
Healthcare Association**

Mr. and Mrs. Daniel R. Larson
16933 W. Harlena Drive
Loxahatchee, FL 33470
danlarson@bellsouth.net

Thomas Saporito
6701 Mallards Cove Rd., Apt. 28H
Jupiter, FL 33458
saporito3@gmail.com

Paul Woods
Quang Ha
Patrick Ahlm
Algenol Biofuels Inc.
28100 Bonita Grande Drive, Suite 200
Bonita Springs, FL 24135
Paul.woods@algenol.com
Quang.ha@algenol.com
Patrick.ahlm@algenol.com
Representatives for Algenol Biofuels Inc.

Mr. Larry Nelson
312 Roberts Road
Nokomis, Florida 34275
seahorseshoresl@gmail.com

Ms. Karen White
Captain Samuel T. Miller
USAF/AFLOA/JACL/ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5317
samuel.miller@tyndall.af.mil
karen.white@tyndall.af.mil
Attorney for the Federal Executive Agencies

William C. Garner, Esq.
Brian P. Armstrong, Esq.
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308
bgarner@ngnlaw.com
barmstrong@ngnlaw.com
Attorneys for the Village of Pinecrest

By: s/Jordan A. White
Jordan A. White
Authorized House Counsel No. 97304