

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company.	DOCKET NO. 160021-EI
In re: Petition for approval of 2016-2018 storm hardening plan, by Florida Power & Light Company.	DOCKET NO. 160061-EI
In re: 2016 depreciation and dismantlement study by Florida Power & Light Company.	DOCKET NO. 160062-EI
In re: Petition for limited proceeding to modify and continue incentive mechanism, by Florida Power & Light Company.	DOCKET NO. 160088-EI ORDER NO. PSC-16-0211-PCO-EI ISSUED: May 27, 2016

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

On January 1, 2016, Florida Power & Light Company (FPL) filed notification of intent to request a general base rate increase with the Florida Public Service Commission (Commission) opening Docket No. 160021-EI (rate case). FPL filed its Minimum Filing Requirements (MFRs) and testimony in support of its request on March 15, 2016.

Also on March 15, 2016, FPL filed its 2016 Deprecation and Dismantlement Study (Docket No. 160062-EI; depreciation study) and its 2016-2018 Storm Hardening Plan (Docket No. 160061-EI; storm hardening). On April 15, 2016, FPL filed a petition and testimony for a limited proceeding to modify and continue the incentive mechanism associated with the sale of wholesale electric power (Docket No. 160088-EI; incentive mechanism).

Order No. PSC-16-0125-PCO-EI<sup>1</sup>, Order Establishing Procedure, was issued on March 25, 2016, which addressed, among other things, discovery procedures, prehearing procedures, and controlling dates for FPL's rate case, Docket No. 160021-EI.

On April 8, 2016, the Office of Public Counsel (OPC) filed a Motion to Modify Key Activities Dates and Discovery Timeframes in the rate case, Docket No. 160021-EI. On April 22, 2016, Commission staff filed a Motion to Consolidate the rate case, storm hardening, depreciation study, and incentive mechanism dockets (Docket Nos. 160021-EI; 160062-EI, 160061-EI and 160088-EI). No comments, objections, or requests were filed in response to either motion.

<sup>1</sup> Order No. PSC-16-0125-PCO-EI, issued on March 25, 2016, in Docket No. 160021-EI, In re: Petition for rate increase by Florida Power & Light Company.

Order No. PSC-16-0182-PCO-EI, First Order Revising Order Establishing Procedure and Order Granting Motion to Consolidate (Consolidation Order), was issued on May 4, 2016.<sup>2</sup> The Consolidation Order did the following:

- 1) Granted modified dates for the rate case, Docket No. 160021-EI, as requested by OPC;
- 2) Granted the request to consolidate the rate case, the depreciation study, the storm hardening, and the incentive mechanism dockets; and
- 3) Established controlling dates for the three consolidated dockets.<sup>3</sup>

On May 9, 2016, OPC filed a Motion for Reconsideration of the Consolidated Order before the full Commission alleging that an error of law had been made establishing testimony filing dates for the storm hardening and incentive mechanism dockets. A Special Commission Agenda Conference was noticed and held on May 23, 2016. After oral argument and discussion, the Commission voted to deny the Motion for Reconsideration.

On May 25, 2016, OPC filed a Motion for Extension of Testimony Filing Dates Established by Order No. PSC-16-0182-PCO-EI (Motion for Extension). FPL filed a Response on May 26, 2016, opposing the Motion for Extension.

#### DECISION

As discussed at the Special Agenda Conference, the role of the prehearing Officer is to rule on prehearing motions and hear all parties as appropriate for an orderly, efficient, and effective prehearing process.

After hearing and considering the arguments presented on May 23, 2016, reviewing OPC's Motion for Extension and FPL's Response, and to manage a prehearing process focused on the issues to be litigated, the time schedule to file testimony for Docket Nos. 160061-EI (storm hardening) and 160088-EI (incentive mechanism) is modified as follows:

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|---|---------------|
| 2) Intervenor's testimony and exhibits  | June 17, 2016 |
| 3) Staff testimony and exhibits, if any | June 21, 2016 |
| 4) Rebuttal                             | July 8, 2016  |

Order Nos. PSC-16-0125-PCO-EI and PSC-16-0182-PCO-EI, to the extent not modified by this Order, are hereby reaffirmed in all respects. In addition, all parties remain on notice that

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<sup>2</sup> Order No. PSC-16-0182-PCO-EI, issued on May 4, 2016, in Docket No. 160021-EI, In re: Petition for rate increase by Florida Power & Light Company; Docket No. 160061-EI, In re: Petition for approval of 2016-2018 storm hardening plan, by Florida Power & Light Company; Docket No. 160062-EI, In re: 2016 depreciation and dismantlement study by Florida Power & Light Company; and Docket No. 160088-EI, In re: Petition for limited proceeding to modify and continue incentive mechanism, by Florida Power & Light Company.

<sup>3</sup> No dates for intervenor, Commission staff, or rebuttal testimony had been requested or established prior to the Consolidation Order.

the Prehearing Officer may exercise the discretion to schedule additional noticed prehearing conferences of the parties as needed.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 27th day of May, 2016.



LISA POLAK EDGAR  
Commissioner 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.

SBr

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.