

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

DOCKET NO. 070231-EI

In re: Petition for approval of underground conversion tariff revisions, by Florida Power & Light Company.

DOCKET NO. 080244-EI
ORDER NO. PSC-09-0367-PCO-EI
ISSUED: May 27, 2009

FOURTH ORDER REVISING ORDER CONSOLIDATING DOCKETS
AND GRANTING FPL'S AGREED AMENDED MOTION FOR FILING
SUPPLEMENTAL REBUTTAL TESTIMONY

By Order No. PSC-09-0114-PCO-EI, issued on February 25, 2009, Docket Nos. 070231-EI and 080244-EI were consolidated, and the procedures and controlling dates were established. This Order was revised by Order No. PSC-09-0145-PCO-EI, issued on March 10, 2009. Further, on April 16, 2009, the dates for filing Intervenors Testimony and Exhibits, and Rebuttal Testimony and Exhibits were revised. On May 12, 2009, Florida Power & Light Company (FPL) filed its motion that it be granted until May 15, 2009, to file its rebuttal testimony and exhibits. By Order No. PSC-09-0333-PCO-EI, issued on May 14, 2009, FPL's motion was granted.

On May 15, 2009, FPL filed an agreed motion requesting leave to file supplemental rebuttal testimony by May 22, 2009, in order to address Late-Filed Exhibit 2 to Peter J. Rant's deposition. This Late-Filed Exhibit 2 was not delivered to FPL until approximately 3:30 p.m. on May 22, 2009, and FPL did not file its supplemental rebuttal testimony on May 22, 2009.

On May 26, 2009, FPL filed an agreed amended motion requesting leave to file its supplemental rebuttal testimony by May 29, 2009, addressing Late-Filed Exhibit 2. As justification, FPL states that it received this exhibit later than expected and that the witness submitting FPL's supplemental rebuttal testimony is preparing for a deposition being held on May 27, 2009, related to these dockets. In its motion, FPL states that the parties have no objection to the granting of this motion.

Therefore, FPL's agreed amended motion shall be granted in its entirety, and FPL shall file its supplemental rebuttal testimony by May 29, 2009. All other controlling dates will remain the same.

DOCUMENT NUMBER-DATE

05237 MAY 27 8


FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that Florida Power & Light Company's Agreed Amended Motion For Leave to File Supplemental Rebuttal Testimony is granted and that supplemental rebuttal testimony shall be filed by May 29, 2009. It is further

ORDERED that all other aspects of Orders No. PSC-09-0114-PCO-EI, PSC-09-0145-PCO-EI, PSC-09-0237-PCO-EI, and PSC-09-0333-PCO-EI are hereby reaffirmed.

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 27th day of May, 2009.


LISA POLAK EDGAR
Commissioner and Prehearing Officer

(S E A L)

ELS

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.