

In re: Petition for issuance of a storm recovery
financing order, by Florida Power & Light
Company.

DOCKET NO. 060038-EI
ORDER NO. PSC-10-0573-PCO-EI
ISSUED: September 16, 2010

ORDER DECLINING RECUSAL OF COMMISSIONER NATHAN A. SKOP

On September 2, 2010, Florida Power & Light Company (FPL) filed a Verified Motion to Disqualify Commissioner Skop (Motion) in all active dockets and matters involving FPL as well as any future dockets involving FPL that are opened in calendar year 2010.

As noted in Charlotte County, Florida v. IMC Phosphates Company, et al., 824 So. 2d 298 (Fla. 1st DCA 2002), as to disqualification matters,

[t]he question presented is whether the facts alleged would prompt a reasonably prudent person to fear that they will not obtain a fair and impartial hearing. . . . It is not a question of how the judge actually feels, but what feeling resides in the movant's mind and the basis for such feeling The judge may not pass on the truth of allegations of fact, and countervailing evidence is not admissible.

824 So. 2d at 300.

In support of the Motion, FPL begins with allegations concerning my former employment with FPL in 2002, and then quotes from statements I am said to have made on June 30 and July 1, 2010 concerning the Commission Nominating Council's failure to interview me for reappointment to the Commission for a second term. FPL characterizes these statements as proceeding to blame FPL for my not being interviewed by the Nominating Council. Motion, p. 2-3.¹

¹ FPL also notes on p. 4 of the Motion that I made a statement during the hearing on August 26, 2010 referencing that issue.