

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear cost recovery clause.

DOCKET NO. 130009-EI  
ORDER NO. PSC-13-0306-PCO-EI  
ISSUED: July 8, 2013

ORDER GRANTING STAFF'S MOTION  
FOR LEAVE TO FILE TESTIMONY OUT OF TIME

The Commission has scheduled its annual evidentiary hearing in the Nuclear Cost Recovery Clause (NCRC) docket for August 5-9, 2013. Pursuant to Order No. PSC-13-0063-PCO-EI, the Order Establishing Procedure dated January 29, 2013, Commission staff testimony was due to be filed June 20, 2013. On June 21, 2013, Commission staff filed a Motion for Leave to File Testimony Out of Time asking that the Prehearing Officer grant leave to file out of time the testimony of Witnesses Jeffery Small, Iliana Piedra and Bety Maitre, regarding the financial audits conducted in the above referenced docket. Commission staff contends that it inadvertently failed to prepare the audit testimony for filing on June 20, 2013, that it was prepared to file said testimony on June 21, 2013, and that no party has filed any objection to the late-filed testimony with the Commission Clerk and the time for filing such objections has expired. Commission staff asserted that the scheduled time for filing testimony is not a jurisdictional deadline, and the one day delay would not harm any party.

I find sufficient justification, based on the facts asserted in Commission staff's motion and the fact that none of the parties in this docket have filed an objection, to grant this motion.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Staff's Motion for Leave to File Testimony Out of Time is granted.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 8th day of July, 2013.



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EDUARDO E. BALBIS  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MTL

#### 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.