

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-16-0472-PCO-EI
ISSUED: October 20, 2016

ORDER DENYING AARP'S REQUEST TO EXTEND
HEARING DATE ON SETTLEMENT

On October 13, 2016, the American Association of Retired Persons (AARP) filed its Objection to Non-Unanimous Stipulation and Request to Extend Hearing Date on Settlement (Request). In its Request, AARP asked that the evidentiary hearing scheduled for October 27, 2016, on the terms and conditions of the Settlement Agreement, dated October 6, 2016 (Settlement Agreement), be extended for two weeks. AARP argues in its Request that extending the date will allow its counsel, John Coffman, who has a conflict with the hearing dates before the Minnesota Public Utilities Commission on October 25-28, 2016, to attend the evidentiary hearing on the Settlement Agreement and it will also allow the parties adequate time to review the Settlement Agreement and prepare for the evidentiary hearing.

On October 17, 2016, the signatories to the Settlement Agreement¹ filed a Joint Response in Opposition to AARP's Request to Extend Hearing Date on Settlement (Response). In its Response, the signatories note that AARP has been a party and active participant in this proceeding since May 2016. Further, October 27, 2016, was previously scheduled for a Special Agenda Conference to consider the revenue requirements in the rate case. The signatories disagree that there is insufficient time to adequately prepare for the evidentiary hearing on the Settlement Agreement, noting that the parties have been given expedited discovery until October 25, 2016, as well as the ability to present live testimony at the evidentiary hearing simply by identifying any witness they wish to present and the general topic to be covered by October 21, 2016. Finally, the signatories note that Jack McRay also represents AARP in this proceeding and there has been no claim of a scheduling conflict with regard to Mr. McRay.

¹ Florida Power & Light Company (FPL), South Florida Hospital and Healthcare Association (SFHHA), Florida Retail Federation (FRF) and Office of the Public Counsel (OPC).

Having reviewed the pleadings of the parties, and given the very limited scope of the evidentiary hearing scheduled for October 27, 2016, the current schedule does provide an adequate opportunity for all parties to review the Settlement Agreement and prepare for the hearing. Section 366.06(3), Florida Statutes (F.S.), creates an eight-month clock during which the Commission can suspend proposed final rates. The Commission did so in this docket by Order No. PSC-16-0188-PCO-EI, issued on May 9, 2016. At the end of this eight-month period, pursuant to Section 366.06(3), F.S., FPL is entitled to place its proposed rates into effect, subject to refund. It is in everyone's best interests to resolve this issue within the eight-month statutory period and avoid the possibility of FPL placing its proposed rates into effect on January 1, 2017, subject to refund. Finally, it appears that AARP does have representation available for the evidentiary hearing on October 27, 2016, notwithstanding Mr. Coffman's conflicting commitments. Taking these facts and the statutory requirements into consideration, AARP's Request is hereby denied.

Based on the foregoing, it is

ORDERED by Julie I. Brown, as Presiding Officer, that AARP's Request to Extend Hearing Date on Settlement is hereby denied.

By ORDER of Commissioner Julie I. Brown, as Presiding Officer, this 20th day of October, 2016.



JULIE I. BROWN
Chairman and Presiding 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.

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.

ORDER NO. PSC-16-0472-PCO-EI

DOCKET NOS. 160021-EI, 160061-EI, 160062-EI, 160088-EI

PAGE 3

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.