

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida  
Power & Light Company.

DOCKET NO. 050045-EI

In re: 2005 comprehensive depreciation study  
by Florida Power & Light Company.

DOCKET NO. 050188-EI

ORDER NO. PSC-05-0518-PCO-EI

ISSUED: May 11, 2005

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE

BY THE COMMISSION:

By Order No. PSC-05-0347-PCO-EI, issued March 31, 2005 (“Order Establishing Procedure”), procedural guidelines and controlling dates were established for Docket No. 050045-EI (“rate case”). Among other things, the Order Establishing Procedure identified dates for service hearings, identified deadlines for prefiled testimony, and limited each party to the use of 500 interrogatories and 500 document requests.

Since the Order Establishing Procedure was issued, the service hearings for the rate case were rescheduled. Accordingly, the Order Establishing Procedure is hereby modified to replace the service hearing dates set forth therein with the following service hearing dates: June 28-30, 2005, and July 14, 2005.

In addition, since the Order Establishing Procedure was issued, the rate case was consolidated with Docket No. 050188-EI (“depreciation study”), which was not previously set for hearing. To ensure that FPL’s depreciation study is supported in the record of this consolidated proceeding, FPL shall supplement its testimony to sponsor the depreciation study. Such testimony shall be filed by May 17, 2005.

Further, on April 11, 2005, the Office of Public Counsel, Florida Industrial Power Users Group, Florida Retail Federation, Federal Executive Agencies, and AARP filed a joint motion to modify the Order Establishing Procedure by: (1) extending the June 13, 2005, deadline for intervenor testimony at least three additional weeks; and (2) increasing the discovery limits to allow each party 1000 interrogatories and 1000 document requests. FPL responded in opposition to the joint motion on April 18, 2005.

Upon consideration of the joint motion and FPL’s response, the Order Establishing Procedure is hereby modified as follows:

1. The deadline for intervenor testimony is moved from June 13, 2005, to June 27, 2005.

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2. The deadline for staff testimony, if any, is moved from July 1, 2005, to July 8, 2005.
3. The deadline for rebuttal testimony is moved from July 25, 2005, to July 28, 2005.
4. The due date for preliminary issue lists is moved from July 6, 2005, to July 12, 2005.
5. Discovery limits are increased to 700 interrogatories and 700 document requests per party.

With respect to the testimony deadlines, the two-week extension of the deadline for intervenor testimony will allow intervenors additional time to prepare their cases while still allowing FPL sufficient time to prepare rebuttal testimony in response to those cases. The deadlines for staff testimony and rebuttal testimony are extended taking into account the new intervenor testimony deadline and the need to complete all prefiled testimony in a reasonable time prior to the prehearing conference and hearing scheduled to take place in August 2005. These new deadlines are intended to apply to all testimony filed in this consolidated proceeding, i.e., testimony related to the rate case and/or the depreciation study.

With respect to discovery limits, the increase of 200 interrogatories and 200 documents requests over the current limits of 500 should provide parties with sufficient access to these discovery tools at this point in the consolidated proceeding. As of the date of this Order, the Office of Public Counsel propounded 265 interrogatories and 271 document requests upon FPL; the Commercial Group propounded 29 interrogatories and 13 document requests upon FPL; and the Commission's staff propounded 117 interrogatories and 36 document requests upon FPL in the rate case. No other party has served discovery at this time. Thus, there appears to be no urgent need to extend the discovery limits to the extent sought through the joint motion. However, because the rate case has been consolidated with the depreciation study, an increase in the discovery limits should ensure that parties can adequately conduct discovery related to both the rate case and the depreciation study. The new limits of 700 interrogatories and 700 document requests shall apply to this consolidated rate case and depreciation study proceeding.

The Order Establishing Procedure is hereby reaffirmed in all other respects. Except as modified herein, the provisions of the Order Establishing Procedure shall apply to this consolidated rate case and depreciation study proceeding.


Based on the foregoing, it is

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Order No. PSC-05-0347-PCO-EI, issued March 31, 2005, is revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-05-0347-PCO-EI is reaffirmed in all other respects. It is further

ORDERED that the provisions of Order No. PSC-05-0347-PCO-EI, except as modified by this Order, shall apply to this consolidated rate case and depreciation study proceeding.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 11th day of May, 2005

  
BRAULIO L. BAEZ  
Chairman and Prehearing Officer

( S E A L )

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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 Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.