

Ruth Nettles

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Sent: Wednesday, March 25, 2009 9:53 AM
To: Filings@psc.state.fl.us
Cc: Anna Williams; Bryan Anderson; Jean Hartman; Jennifer L. Spina; John_Butler@fpl.com; Ken Hoffman; Kenneth L. Wiseman; Lisa Bennett; Lisa M. Purdy; Mark F. Sundback; Martha Brown; Natalie F. Smith (Nattie_Smith@fpl.com); Thomas Saporito; Wade Litchfield
Subject: e-filing (Dkt. No. 080677-EI)
Attachments: 080677.response.dated 3.25.09.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Joseph A. McGlothlin, Associate Public Counsel
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c/o The Florida Legislature
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b. Docket No. 080677-EI

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

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 3 pages.

e. The document attached for electronic filing is Citizens' Response to Motion of South Florida Hospital and Healthcare Association for Order Establishing Discovery Procedures.
(See attached file: 080677.response.dated 3.25.09.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts
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DOCUMENT NUMBER-DATE

02595 MAR 25 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO.: 080677-EI
FILED: March 25, 2009

**CITIZENS' RESPONSE TO MOTION OF SOUTH FLORIDA HOSPITAL AND
HEALTHCARE ASSOCIATION FOR ORDER ESTABLISHING DISCOVERY
PROCEDURES**

The Citizens of the State of Florida, through the Office of Public Counsel, file their response to the Motion of South Florida Hospital and HealthCare Association for Order Establishing Discovery Procedures, and state that they generally support the motion. FPL is the beneficiary of a statutorily mandated time frame for decision that necessarily limits the time available for interveners, including Citizens, to prepare their cases. Because FPL holds all of the business and financial information that interveners require to prepare their cases, an efficient and expeditious discovery process is critical to providing parties with due process. Citizens submit that the rulings sought by SFHA, or similar measures that employ technology to ensure an efficient process, are needed to cope with the magnitude and complexity of FPL's filing.

Similarly, Citizens agree with SFHA that in this case the standard for serving a response should be 20 days, not 30. The 30 day "turnaround" of the Civil Rules of Procedure, which apply to situations in which courts have the flexibility and discretion to tailor a discovery schedule to the needs of an individual proceeding, should be modified in this case to recognize

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the impact of the mandatory schedule for decision, and the associated constraints on case preparation, on the legitimate discovery needs of interveners in a case of this magnitude.

s/ Joseph A. McGlothlin
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Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 080677-EI

I HEREBY CERTIFY that a copy of the foregoing **CIITIZENS' RESPONSE TO MOTION OF SOUTH FLORIDA HOSPITAL AND HEALTHCARE ASSOCIATION FOR ORDER ESTABLISHING DISCOVERY PROCEDURES** has been furnished by electronic mail and U.S. mail to the following parties on this 25th day of March, 2009 to the following:

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