

Ruth Nettles

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Sent: Monday, April 13, 2009 11:13 AM
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Subject: Electronic Filing: Docket 080677-EI / FPL's Response to SFHHA Petition to Conduct Rate Case & Request for Hearing
Attachments: FPL Response to Response to SFHHA Petition to Conduct Rate Case.doc; FPL Response to Response to SFHHA Petition to Conduct Rate Case.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 080677-EI
In Re: Application for Increase in Rates by Florida Power & Light Company

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages

e. The document attached for electronic filing is Florida Power & Light Company's Response to SFHHA's Petition for the Conduct of a General Rate Case and Request for Hearing

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DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for increase in rates by)
Florida Power & Light Company)
_____)

Docket No. 080677-EI

Filed: April 13, 2009

**FLORIDA POWER & LIGHT COMPANY'S
RESPONSE TO SFHHA'S PETITION FOR THE CONDUCT OF A GENERAL
RATE CASE AND REQUEST FOR HEARING**

Florida Power & Light Company ("FPL" or the "Company"), by its undersigned counsel, files this Response to the South Florida Hospital and Healthcare Association's ("SFHHA") Petition for the Conduct of a General Rate Case and Request for Hearing (the "Motion"), filed on March 20, 2009, in the above-referenced proceeding, and in support states:

1. FPL responds that SFHHA's Petition for the Conduct of a General Rate Case and Request for Hearing ("Petition") is "a request for a rate proceeding...that [has] already begun." See *South Florida Hospital & Healthcare Ass'n v. Jaber*, 887 So. 2d 1210, 1213-14 (Fla. 2004); Order No. PSC-08-0599-PCO-EI at 3, Docket No. 080317-EI (issued Sept. 16, 2008); Order No. PSC-01-1930-PCO-EI at 11, Docket No. 001148-EI (issued Sept. 25, 2001). FPL has already initiated a general rate case and the Commission has already scheduled a formal hearing in this Docket. SFHHA is unclear about whether or how *South Florida Hospital* applies to its Petition. FPL does not believe that *South Florida Hospital* means that SFHHA's Petition for the Conduct of a General Rate Case and Request for Hearing would secure for SFHHA any additional rights in this Docket that SFHHA, otherwise, would not have.

2. This proceeding was initiated well in advance of SFHHA's March 20, 2009 Petition. This matter was docketed on November 11, 2008, upon Florida Power & Light's filing of its test year notification letter pursuant to Rule 25-6.140, Florida Administrative Code. That request was followed on March 18, 2009 with the filing of Florida Power & Light's petition for a permanent increase in its

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base rates and miscellaneous service charges, along with a complete set of minimum filing requirement schedules and the testimony and supporting exhibits of 19 company witnesses.

3. SFHHA's Petition refers to SFHHA's requested status as an intervenor in this docket. Petition at 7. Under the express terms of Rule 25-22.039, Florida Administrative Code, which governs intervention, SFHHA, if permitted to intervene in this docket, takes the case as it finds it. The Commission's rule on intervention clearly does not empower an intervenor to retroactively initiate an on-going proceeding in order to secure the ability to pursue a case even if the other parties agree to a stipulation and settlement.

WHEREFORE, Florida Power & Light Company respectfully submits the foregoing in response to the petition filed March 20, 2009 by SFHHA.

Respectfully submitted this 13th day of April, 2009.

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By: /s/ John T. Butler
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CERTIFICATE OF SERVICE
Docket No. 080677-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing (without attachments) has been furnished by electronic delivery this 13th day of April, 2009, to the following:

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