

Ruth Nettles

080677-EI

**From:** Hayes, Annisha [AnnishaHayes@andrewskurth.com]  
**Sent:** Thursday, September 24, 2009 4:13 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Anna Williams; Barry Richard; Bethany Burgess; Brian Armstrong; Cecilia Bradley; Dan Moore; Griffiths, Meghan; Jack Leon; Jean Hartman; John McWhirter; John T. Butler; Jon Moyle; Joseph McGlothlin; Lisa Bennett; Marcus Braswell; Martha Brown; Mary Smallwood; Mendiola, Lino; Mitchell Ross; Natalie Smith; Purdy, Lisa M.; Robert Scheffel Wright; Robert Sugarman; Shayla M. McNeill; Spina, Jennifer; Stephen Stewart; Sundback, Mark F.; Susan Clark; Tamela Perdue; Thomas Saporito; Vicki Kaufman; Wade Litchfield; Wiseman, Kenneth L.  
**Subject:** Docket No. 080677-EI and 090130-EI- SFHHA letter to Chairman Carter  
**Attachments:** SFHHA Letter to Hon Carter.pdf

a. Person responsible for this electronic filing:

Kenneth L. Wiseman  
 Andrews Kurth LLP  
 1350 I Street, NW  
 Suite 1100  
 Washington, DC 20005  
 202-662-2715 (phone)  
 202-662-2739 (fax)

b. Docket No. 080677-EI and 090130-EI.

c. Document being filed on behalf of South Florida and Hospital Healthcare Association (SFHHA).

d. There is a total of 2 pages.

e. The document attached for electronic filing is: SFHHA's letter to Honorable Mathew M. Carter Opposing FPL's letter concerning the remaining schedule for technical hearing; request for intended hearing dates. (See attached SFHHA letter to Hon. Carter)

Thank you for your attention and cooperation to this request.

Regards,  
 Annisha Hayes  
 AndrewsKurth, LLP  
 1350 I Street, NW  
 Suite 1100  
 Washington, DC 20005  
 202-662-2783  
 202-662-2739 (fax)  
 ahayes@andrewskurth.com  
 www.andrewskurth.com

The information contained in this e-mail and any attachments to it may be legally privileged and include confidential information intended only for the recipient(s) identified above. If you are not one of those intended recipients, you are hereby notified that any dissemination, distribution or copying of this e-mail or its attachments is strictly prohibited. If you have received this e-mail in error, please notify the sender of that fact by return e-mail and permanently delete the e-mail and any attachments to it immediately. Please do not retain, copy or use this e-mail or its attachments for any purpose, not to be used in all or any part of its

DOCUMENT NUMBER DATE  
 080677-EI 9/24/09

9/24/2009

FPSC-COMMISSION CLERK

contents to any other person. Thank you.

Any tax advice in this e-mail (including any attachment) is not intended or written to be used, and cannot be used, by any person, for the purpose of avoiding penalties that may be imposed on the person. If this e-mail is used or referred to in connection with the promoting or marketing of any transaction(s) or matter(s), it should be construed as written to support the promoting or marketing of the transaction(s) or matter(s), and the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

September 24, 2009

The Honorable Matthew M. Carter II  
Chairman  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: *Docket No. 080677-EI*  
*In re: Petition for rate increase by Florida Power & Light Company*  
*Proposed Schedule*

Dear Chairman Carter:

This will respond to the letter sent to you today by R. Wade Litchfield, Vice President of Regulatory Affairs and Chief Regulatory Counsel for Florida Power & Light Company ("FPL"). In his letter, Mr. Litchfield requests that you amend the procedural schedule, and potentially reconvene the FPL rate case hearing on October 1, 2009 on less than 24-hour's notice.

The South Florida Hospital and Healthcare Association ("SFHHA") opposes Mr. Litchfield's proposal on the grounds that it is unreasonable and is designed to prejudice the rights of the intervenors in this case.

All counsel in this case have obligations on matters other than the FPL's rate case and necessarily have arranged their schedules based upon the procedural order that the hearing will reconvene on October 21. It is unreasonable to presume that counsel can now alter or simply cancel their other commitments as would be required if Mr. Litchfield's request is granted.

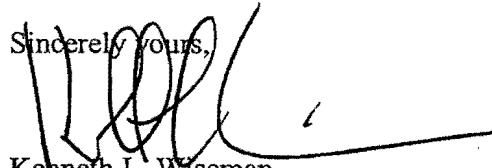
Second, the remaining portion of the schedule exclusively entails cross-examination of FPL's witnesses. Even though counsel for all intervenors presumably have prepared their cross-examination of those witnesses, given that all attorneys in the case have been working on other matters since the last hearing date, counsel for intervenors no doubt will need to re-review the witnesses' prepared testimony and anticipated areas of cross examination. It is prejudicial to require that this be done on less than 24-hours notice as implicitly would be required if Mr. Litchfield's proposal were adopted.

The Honorable Matthew M. Carter II  
September 24, 2009  
Page 2

Finally, all of SFHHA's counsel are located out of state, and it likely would be impossible for counsel to get to Tallahassee at the time the hearing would recommence under Mr. Litchfield's requested schedule.

SFHHA shares the concern that the FPL rate case hearing reach its conclusion. However, contrary to Mr. Litchfield's statement, it is not of "critical importance" that it be done "as quickly as possible." Rather, it is of critical importance that the FPL rate case be concluded expeditiously, in an efficient manner and under procedures that are not prejudicial to the rights of the parties involved.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Wiseman', with a long horizontal line extending to the right.

Kenneth L. Wiseman  
Counsel for the South Florida Hospital and  
Healthcare Association

cc: Honorable Lisa P. Edgar, commissioner  
Honorable Katrina J. McMurrian, Commissioner  
Honorable Nathan A. Skop, commissioner  
Honorable Nancy Argenziano, commissioner  
All parties of Record in Docket No. 080677-EI