

State of Florida



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COMMISSION
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-M-E-M-O-R-A-N-D-U-M-

DATE: September 24, 2009
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Kay Posey, Executive Secretary to Commissioner McMurrin ^{KP}
RE: Communication Received in Docket No. 080677-EI

This office has received the attached letter from Mr. Kenneth L. Wiseman, Counsel for the South Florida Hospital and Healthcare Association, regarding the above-noted docket.

The correspondence has not been viewed or considered in any way by Commissioner McMurrin. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as CEO 91-31-July 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of section 350.042, Florida Statutes. However, in such cases Commissioner McMurrin has requested that a copy of the correspondence be placed in the record of the above-referenced docket.

cc: Advisors to Commissioners

Attachment

DOCUMENT NUMBER-DATE

09946 SEP 25 8

FPSC-COMMISSION CLERK

ANDREWS
ATTORNEYS
KURTH LLP

1350 I Street, NW
 Suite 1100
 Washington, D.C. 20005
 202.662.2700 Phone
 202.662.2739 Fax
 andrewskurth.com

Austin
 Dallas
 Houston
 London
 Los Angeles
 New York
 The Woodlands

Fax Cover Sheet

From: Annisha Hayes Employee No.: 01291
 Sender's Direct Phone No.: 202-662-2783 Sender's Direct Fax No.: 202-662-2739
 Date: 9/24/2009 Matter No.: 185125 No. of pages (including cover sheet): 3

RECIPIENT	COMPANY	FAX NUMBER	CONFIRMATION NUMBER
Kay Posey	Florida PSC	850-413-6395	

Message

Please deliver to the Honorable Mathew M. Carter and copies to the Honorable Commissioners Lisa P. Edgar, Katrina J. McMurrrian, Nathan A. Skop and Nancy Argenziano.

Thank you very much for your help.

Confidentiality Note

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

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ANDREWS
ATTORNEYS **KURTH** LLP

1350 I Street, NW
Suite 1100
Washington, DC 20005
202.662.2700 Phone
202.662.2739 Fax
andrewskurth.com

Kenneth Wiseman
202.662.2715 Phone
kwiseman@andrewskurth.com

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.

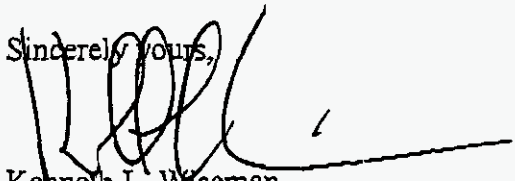
Second, the remaining portion of the schedule exclusively entails cross-examination of FPL's witnesses. Even though counsel for all intervenors presumably have prepared their cross-examination of those witnesses, given that all attorneys in the case have been working on other matters since the last hearing 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
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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,



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

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