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Thursday, November 05, 2009 5:07 PM

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Subject:

Electronic Filing / Docket No. 080677-El / FPL's Motion to Reopen the Record for Limited Purpose of Admitting

Exhibit 180 (FPL MFRs)

Attachments: 11.5.09. Motion to reopen record.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 5 pages
- e. The document attached for electronic filing is Florida Power & Light Company's Motion to Reopen the Record for Limited Purpose of Admitting Exhibit 180 (FPL MFRs)

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DOCUMENT NUMBER-DATE

080699-EI 190130-EI

FPSC-COMMISSION CLERK

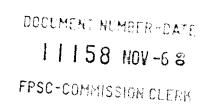
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by)	Docket No: 080677-EI
Florida Power & Light Company)	
In re: 2009 depreciation and dismantler	•	Docket No. 090130-EI
study by Florida Power & Light Compa	iny)	Filed: November 5, 2009

FLORIDA POWER & LIGHT COMPANY'S MOTION TO REOPEN THE RECORD FOR LIMITED PURPOSE OF ADMITTING EXHIBIT 180 (FPL MFRs)

Florida Power & Light Company ("FPL" or the "Company"), by and through its undersigned counsel, respectfully requests that the Florida Public Service Commission ("Commission") reopen the record in Docket No. 080677-EI for the limited purpose of admitting into the record FPL's Minimum Filing Requirements and associated schedules for 2009, 2010 and 2011 ("MFRs") that were identified as Exhibit 180 for hearing.

- 1. On March 18, 2009, FPL filed its Petition for Rate Increase ("Petition").
- 2. As required by Rule 25-6.043, F.A.C., FPL's MFRs accompanied FPL's Petition. Staff reviewed the MFRs and determined that they met to the Rule's requirements. *See* April 7, 2009 letter from Tim Devlin to Armando Olivera (Document No. 03178-09). Thus, the Commission, Staff and all parties of record have had access throughout this proceeding to complete MFRs satisfying Rule 25-6.043.
- 3. MFRs provide information regarding a utility's test year revenue requirements and rate request at a prescribed level of detail and format that facilitates review by the Commission, Staff and parties. As such, MFRs are a beneficial reference source for all participants in a rate case.
- 4. FPL's MFR's were pre-marked for identification on Staff's composite exhibit list as Exhibit 180. Throughout the course of the hearing in the above referenced docket, parties



referred to and relied on the information contained in FPL's MFR's. See, e.g., Tr. 595, 649, 721-724, Tr. 6513-17. Moreover, there were no objections by any parties to the MFRs. Due to inadvertent oversight, however, Exhibit 180 was not moved into the record by any party.

- 5. To facilitate deliberations on FPL's Petition, FPL requests that the Commission reopen the record in Docket No. 080677-EI for the limited purpose of admitting into the record Exhibit 180, entitled "MFRs Minimum Filing Requirements".
- 6. The Commission has stated that, in any matter which goes to hearing, "we reserve the right to reopen the record if at the conclusion of the proceeding we determine that the record is insufficient." Order No. PSC-04-0395-PCO-TP, Docket No. 001503-TP, dated April 14, 2004, at page 3, n.2. On several prior occasions, the Commission has reopened the record of proceedings to admit evidence when the public interest would be served by doing so. In circumstances similar in many respects to the ones at hand, the Commission reopened the record in Docket No. 070299-EI to admit Gulf Power Company's Amended Storm Hardening Plan. The Plan had been provided to all parties in the proceeding well in advance of hearing, it had been relied upon in testimony and briefing, and positions of the parties were predicated upon it, but the Plan had not been admitted into the record. The Commission found that reopening the record and admitting the Plan into evidence served a great public interest, because no one was prejudiced by its admission, it documented the basis for Gulf's intended storm hardening activities, and excluding it would simply result in unnecessary delay. Order No. PSC-07-1022-FOF-EI, dated December 28, 2007, at pages 6-7. FPL submits that each of those factors equally supports admission of FPL's MFRs into the record of this proceeding.

¹ See, e.g., Order No. PSC-07-0483-PCO-EU, Docket No. 060635-EU, dated June 8, 2007; Order No. PSC-00-1777-PCO-TP, dated September 28, 2000, Docket No. 980119-TP; Order No. PSC-99-0093-FOF-WS, dated January 15, 1999, Docket No. 950495-WS; Order No. PSC-98-0509-PCO-SU, dated April 14, 1998, Docket No. 950387-SU.

described above, FPL's MFRs have been available to all parties since March 18, 2009, and the parties to this docket have relied on FPL's MFRs in testimony and during the hearing.

No party of record will be prejudiced by the relief sought through this motion. As

Furthermore, positions taken in this case by parties of record as well as FPL are based on FPL's

MFRs.

7.

8. The undersigned counsel has spoken to counsel for the Office of Public Counsel,

Office of the Attorney General, SFHHA, FRF, FIPUG and AIF, none of whom objects to this

motion. FPL left messages for counsel for the FEA, AFFIRM, City of South Daytona, IBEW

and Mr. Ungar but had not received a reply by the time that this motion was filed.

9. FPL respectfully requests that the presiding officer rule promptly on this motion.

WHEREFORE, Florida Power & Light Company respectfully requests the Commission

to reopen the record in Docket 080677-EI for the limited purpose of admitting into the record

Exhibit 180, FPL's Minimum Filing Requirements, and to immediately re-close the record

thereafter.

Respectfully submitted,

R. Wade Litchfield, Vice President of Regulatory

Affairs and Chief Regulatory Counsel John T. Butler, Managing Attorney

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s/s John T. Butler By:

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Florida Bar No. 283479

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically this 5th day of November, 2009, to the following:

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