

Diamond Williams

100312-EI

From: Goorland, Scott [Scott.Goorland@fpl.com]
Sent: Friday, October 08, 2010 10:57 AM
To: Filings@psc.state.fl.us
Subject: Electronic Filing / Docket 100312-EI / FPL's Response to Motion to Suspend
Attachments: 10.8.10. FPL Response to M to Suspend.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Scott A. Goorland, Esq.
 700 Universe Boulevard
 Juno Beach, FL 33408
 561-304-5633
scott.goorland@fpl.com

b. Docket No. 100312-EI

In re: Complaint against Florida Power & Light Company for alleged violations of various sections of Florida Administrative Code, Florida Statutes, and FPL tariffs pertaining to billing of charges and collection of charges, fees, and taxes

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Response to Petitioner's Motion to Suspend 10/12/10 Regular Agenda Pending Clarification

Thank you for your attention and cooperation to this request.

Scott A. Goorland
 Principal Attorney
 Florida Power & Light Company
 (561) 304-5639
 (561) 691-7135 Fax
scott.goorland@fpl.com

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10/8/2010

DOCKET NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint against Florida Power & Light Company for alleged violations of various sections of Florida Administrative Code, Florida Statutes, and FPL tariffs pertaining to billing of charges and collection of charges, fees, and taxes)
Docket No. 100312-EI
Filed: October 8, 2010

FLORIDA POWER AND LIGHT'S RESPONSE TO PETITIONER'S MOTION TO SUSPEND 10/12/10 REGULAR AGENDA PENDING CLARIFICATION

Florida Power & Light Company, Inc., ("FPL") hereby files this response to Petitioner's Motion to Suspend the October 12, 2010 Agenda Conference in this docket ("Petitioner's Motion"), and states:

1. Petitioner's Motion is vague in both its assertions and its request. As a result, it is not possible for FPL to fully address the statements made in Petitioner's Motion.

2. Petitioner's Motion makes vague references to alleged factual inaccuracies in the Commission Staff's Recommendation of September 30. FPL is unaware of any factual inaccuracies in the Staff Recommendation, and fully supports Staff's position that the Petition in this docket should be dismissed. To the extent that Petitioner wishes to comment regarding Staff's Recommendation, however, the October 12, 2010, Agenda Conference provides that opportunity.

3. Petitioner has had substantial notice both that dismissal of the Petition would be considered at the October 12, 2010, Agenda Conference, and of the content of Staff's Recommendation. The Commission issued its Staff Recommendation on September 30, 2010, a copy of which was provided to Petitioner. That Staff Recommendation included the date for the Agenda Conference, as well as a statement that "interested persons may participate".

4. To the extent that Petitioner is unable to participate or attend the October 12, 2010 Agenda Conference, FPL does not oppose a deferral of the issue to the next agenda on the

Commission's calendar. FPL would oppose any additional delay. Additionally, a deferral should not serve as an opportunity for Petitioner to file any further substantive comments or a reply to Staff's Recommendation, which is not permitted by the Commission's rules and would be procedurally improper and prejudicial.

Respectfully submitted this 8th day of October, 2010.

R. Wade Litchfield, Vice President and
General Counsel
John T. Butler, Managing Attorney
Scott A. Goorland, Principal Attorney
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: (561) 304-5633
Facsimile: (561) 691-7135

BY: /s/ Scott A. Goorland
Scott A. Goorland
Florida Bar No. 0066834

CERTIFICATE OF SERVICE

Docket No. 100312-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery or UPS overnight delivery this 8th day of October, 2010, to the following:

<p>Lisa Bennett, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <u>LBENNETT@PSC.STATE.FL.US</u></p>	<p>Adam Teitzman, Esq. Lawrence Harris, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <u>ateitzma@psc.state.fl.us</u> <u>lharris@psc.state.fl.us</u></p>
<p>Connie Kummer Division of Economic Regulation 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <u>ckummer@psc.state.fl.us</u></p>	<p>Petitioner (UPS delivery) * </p>

By: /s/Scott A. Goorland
Scott A. Goorland
Florida Bar No. 0066834

*Petitioners name and address redacted per direction of the Commission in this docket