

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

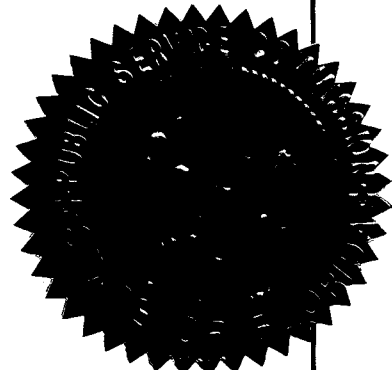
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In the Matter of:

PETITION FOR INCREASE IN RATES BY FLORIDA POWER & LIGHT COMPANY. DOCKET NO. 080677-EI

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2009 DEPRECIATION AND DISMANTLEMENT STUDY BY FLORIDA POWER & LIGHT COMPANY. DOCKET NO. 090130-EI

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 20

COMMISSIONERS PARTICIPATING: COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER NATHAN A. SKOP

DATE: Tuesday, November 30, 2010

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR, CRR  
Official FPSC Reporter  
(850) 413-6734

DOCUMENT NUMBER DATE

FLORIDA PUBLIC SERVICE COMMISSION

09755 DEC 3 2010

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FPSC-COMMISSION CLERK

## P R O C E E D I N G S

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3           **CHAIRMAN GRAHAM:** Let's get started. We  
4 have the following, we have the following items  
5 that, FP&L items, and because of the stay we're  
6 under with the Department of -- I'm sorry -- the  
7 First District Court, that will be deferred. The  
8 items are Items 3, 7, 10, 11, 12, 13, 14, 20 and 21.

9           Now before I defer that, I actually have a  
10 question for General Counsel, if I may. We have, on  
11 these lists one of the items, Item Number 20, has  
12 been stipulated by all parties. It hasn't been  
13 heard yet or commented on yet by the board but it's  
14 been stipulated. If we wanted to -- how would we go  
15 about, if we want to pull that and go before the DCA  
16 and see if they won't release that one so we can  
17 move forward on that one specific issue?

18           **MS. HELTON:** Mr. Chairman, the General  
19 Counsel is sick today, so you're stuck with me.

20           I would suggest that any discussion about  
21 any next steps that you may or may not have  
22 available to you not be made here in this forum. I  
23 don't think that the -- respectfully I don't think  
24 the Agenda Conference is the appropriate place to do  
25 that.

1           If procedurally you want to discuss the  
2 body's ability to move forward in any way and file  
3 anything in the First District Court of Appeal so it  
4 would not be in a Commission proceeding where you  
5 would be filing it, I think the more appropriate  
6 venue would be the Internal Affairs which you have  
7 scheduled later this afternoon.

8           And Samantha, we can have Samantha Cibula  
9 there who can help in any discussion with respect to  
10 how you may, if at all, go forward. Right now the  
11 jurisdiction does not rest with you. The  
12 jurisdiction over the matter is with the First  
13 District Court of Appeal.

14           **CHAIRMAN GRAHAM:** How would we go about  
15 contacting them if we wanted to, if we wanted to  
16 request this?

17           **MS. HELTON:** It would require a court  
18 filing. But I think this discussion would be much  
19 better had, for notice reasons, for process reasons,  
20 at the Internal Affairs meeting which is scheduled  
21 for later today.

22           **CHAIRMAN GRAHAM:** Okay. Well, I just  
23 wanted to bring it up here because this is where  
24 it's actually on our docket. So then at that point  
25 I guess we can say we're going to talk about it at

1 Internal Affairs.

2 Commissioner Edgar.

3 **COMMISSIONER EDGAR:** Thank you, Mr.

4 Chairman. If I may, I do defer to your decision and  
5 the recommendation of Staff to also defer Item 12.

6 But I was a little surprised at that because I  
7 thought that that was one that we could go ahead and  
8 act on at this point in time. So I would just, if I  
9 may, ask our Staff, if we are going to potentially  
10 have a little more discussion, to maybe take a look  
11 at that item to see if that is one that we might be  
12 able to move forward on, not today, but at some  
13 point separate from waiting on the court. And if  
14 you could maybe just take another look at that at in  
15 whatever would be the appropriate time, I would ask  
16 that we take a separate second look at that item.

17 Thank you. Thank you.

18 **CHAIRMAN GRAHAM:** All right. So I guess  
19 since we're on the record we'll show that we will be  
20 speaking of these two things later today at Internal  
21 Affairs.

22 That all being said, once again, those  
23 Items 3, 7, 10, 11, 12, 13, 14, 20 and 21 are all  
24 deferred.

25 (Agenda item concluded.)

1 STATE OF FLORIDA )  
 2 : CERTIFICATE OF REPORTER  
 3 COUNTY OF LEON )

4 I, LINDA BOLES, RPR, CRR, Official Commission  
 5 Reporter, do hereby certify that the foregoing  
 6 proceeding was heard at the time and place herein  
 7 stated.

8 IT IS FURTHER CERTIFIED that I stenographically  
 9 reported the said proceedings; that the same has been  
 10 transcribed under my direct supervision; and that this  
 11 transcript constitutes a true transcription of my notes  
 12 of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,  
 14 employee, attorney or counsel of any of the parties,  
 15 nor am I a relative or employee of any of the parties'  
 16 attorneys or counsel connected with the action, nor am  
 17 I financially interested in the action.

18 DATED THIS 3rd day of December,  
 19 2010.

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