

**Diamond Williams**

110009-EI

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**Subject:** Electronic Filing - Docket # 110009-EI  
**Attachments:** FPL's Motion to Bifurcate 2009 EPU Issues.doc; FPL's Motion to Bifurcate 2009 EPU Issues.pdf  
**Electronic Filing**

a. Person responsible for this electronic filing:

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b. Docket No. 110009-EI

IN RE: Nuclear Power Plant Cost Recovery Clause

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

d. There are a total of seven (7) pages.

e. The document attached for electronic filing is:

Florida Power & Light Company's Motion to Bifurcate 2009 Extended Power Uprate Issues for Hearing

*See attached file(s):*

FPL's Motion to Bifurcate 2009 EPU Issues.pdf  
 FPL's Motion to Bifurcate 2009 EPU Issues.doc

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Power Plant )  
Cost Recovery Clause )

Docket No. 110009-EI  
Filed: February 21, 2011

**FLORIDA POWER & LIGHT COMPANY'S MOTION  
TO BIFURCATE 2009 EXTENDED POWER UPRATE ISSUES FOR HEARING**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby respectfully requests the Prehearing Officer to enter an order bifurcating the 2009 Extended Power Uprate ("EPU") prudence issues for a separate hearing, and as grounds therefore states the following:

1. During the 2010 Nuclear Cost Recovery ("NCR") hearing, the Florida Public Service Commission ("Commission") voted to approve a stipulation that deferred all of the FPL-specific issues, including the 2009 EPU prudence-related issues, to the 2011 NCR cycle. *See* Order No. PSC-11-0095-FOF-EI, issued February 2, 2011 (approving the stipulated FPL-specific issues). The 2011 NCR cycle is currently underway.

2. The approval of the Stipulation will increase the number of issues beyond those typically considered during an NCR hearing. Specifically, absent bifurcation, the Commission will have to address through the 2011 NCR evidentiary hearing, posthearing briefs and decision-making process: all the deferred FPL issues, all the issues that would normally be identified during this 2011 cycle in FPL's case -- such as the prudence of 2010 expenditures, the reasonableness of 2011 costs, and the reasonableness of 2012 costs -- and all the issues that will be identified in Progress Energy Florida's NCR case. The Commission's hearing typically occurs in August or September, and by rule must occur before October 1st (unless waived by the utility). Rule 25-6.0423(5)(c)2, Fla. Admin. Code. Additionally, the affected utility must

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incorporate the Commission's decision in the NCR proceeding into its capacity cost recovery filings no later than October 15th. Rule 25-6.0423(5)(c)4, Fla. Admin. Code.

3. In an effort to streamline the August/September 2011 NCR hearing and assist in the resolution of all issues prior to the deadlines established by the Commission's Nuclear Cost Recovery Rule, FPL requests the Prehearing Officer to set the deferred 2009 EPU prudence issues for a separate hearing, in advance of the regularly-scheduled hearing. The deferred issues that would be addressed in such a bifurcated proceeding include the following:

- ISSUE 16: Should the Commission find that for the year 2009, FPL's accounting and costs oversight controls were reasonable and prudent for the Turkey Point Units 6 & 7 project and the Extended Power Uprate project?
- ISSUE 17: Should the Commission find that for the year 2009, FPL's project management, contracting, and oversight controls were reasonable and prudent for the Turkey Point Units 6 & 7 project and the Extended Power Uprate project?
- ISSUE 21: What system and jurisdictional amounts should the Commission approve as FPL's final 2009 prudently incurred costs and final true-up amounts for the Extended Power Uprate project?

With respect to issues 16 and 17, only the EPU portions of those issues would be considered in the bifurcated proceeding. All other issues deferred by Order No. PSC-11-0095-FOF-EI not listed above would be addressed in the normal course of the 2011 NCR proceeding.

4. While the EPU prudence issues represent only a few of the deferred issues, these issues occupied much of the 2010 NCR hearing time. Separating the 2009 EPU prudence issues will provide all parties with adequate time to address them at hearing, without imposing on the time necessary to address all other FPL and Progress Energy Florida issues. Bifurcation should thus allow for a more efficient and orderly August/September 2011 NCR hearing. A proposed procedural schedule for the bifurcated proceeding is attached hereto as Exhibit A.

5. No party will be prejudiced by the granting of this motion. The issues identified for bifurcation were deferred from the 2010 NCR proceeding. All parties have therefore had ample time – beginning with the identification of these issues in 2010 and continuing through today – to issue discovery on these issues. In fact, one of the bases for deferral was to provide all parties, including Commission Staff, with additional time to investigate certain 2009 EPU prudence-related issues. Audit Staff specifically noted in its 2010 internal controls audit report that additional time for investigation was desired. That purpose of deferral has been fulfilled.

6. Pursuant to Rule 28-106.204(3), Florida Administrative Code, FPL has conferred or attempted to confer with all parties of record and is authorized to represent the following: Progress Energy Florida has no objection to this motion; PCS Phosphate-White Springs takes no position on this motion; and the Office of Public Counsel and the Florida Industrial Power Users Group take no position pending review of this motion. FPL was unable to reach the Federal Executive Agencies or the Southern Alliance for Clean Energy to ascertain their positions on this motion.

WHEREFORE, FPL respectfully requests that the EPU portion of deferred Issue No. 16, the EPU portion of deferred Issue No. 17, and Issue No. 21 be set for a separate hearing in advance of the regularly-scheduled 2011 NCR hearing in a manner consistent with the proposed procedural schedule attached hereto as Exhibit A.

Respectfully submitted this 21st day of February, 2011.

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**CERTIFICATE OF SERVICE  
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion to Bifurcate 2009 Extended Power Uprate Issues for Hearing was served electronically this 21st day of February, 2011 to the following:

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## EXHIBIT A

### Proposed Schedule for Bifurcated Proceeding Addressing 2009 EPU Prudence Issues

March 1, 2011	FPL files direct case
April 15, 2011	Staff Audit Report
April 29, 2011	Intervenor testimony
May 11, 2011	Staff testimony
May 25, 2011	FPL rebuttal testimony
May 27, 2011	Prehearing Statements
May 27, 2011	Discovery actions complete
June 3, 2011	Prehearing Conference
June 10, 2011	Prehearing Order
June 15, 2011	Hearings
June 30, 2011	Posthearing briefs
July 21, 2011	Staff Recommendation
August 2011	Agenda Conference

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