

Diamond Williams

110009 - EI

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Sent: Friday, March 18, 2011 4:26 PM
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Subject: Electronic Filing / Docket No. 110009-EI / FPL's Voluntary Withdrawal of Motion to Bifurcate
Attachments: Docket 110009 FPL's Voluntary Withdrawal of Motion to Bifurcate.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 five (5) pages.

e. The document attached for electronic filing is: Florida Power & Light Company's Voluntary Withdrawal of Motion to Bifurcate

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3/18/2011

DOCUMENT NUMBER-DATE
 01841 MAR 18 =
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 110009-EI
Filed: March 18, 2011

**FLORIDA POWER & LIGHT COMPANY'S
VOLUNTARY WITHDRAWAL OF MOTION TO BIFURCATE**

Florida Power & Light Company ("FPL") hereby voluntarily withdraws its Motion to Bifurcate the 2009 Extended Power Uprate ("EPU") issues for hearing filed on February 21, 2011, and states as follows:

1. On February 21, 2011, FPL filed its Motion to Bifurcate the 2009 EPU issues for hearing. The purpose of FPL's motion was to streamline the August/September 2011 Nuclear Cost Recovery ("NCR") hearing and assist in the resolution of all issues prior to the deadlines established by the Commission's Nuclear Cost Recovery Rule.

2. The Office of Public Counsel ("OPC") filed a response in opposition to FPL's Motion to Bifurcate on February 28, 2011.¹

3. FPL filed its request to facilitate and render more efficient the annual nuclear cost recovery clause proceedings that would be the subject of hearings later this year. FPL notes that from time to time OPC also has requested and been granted separate proceedings or hearing schedules for specific issues for similar ends. In making its request, it was, and remains, FPL's position that (i) the requested bifurcation is consistent with the Stipulation reached last year in this docket; (ii) the 2009 EPU prudence issues could be efficiently resolved in a bifurcated proceeding in advance of the August/September Nuclear Cost Recovery hearing; (iii) no party would be disadvantaged in light of the fact that discovery has been occurring on the 2009 EPU prudence issues for over a year; and (iv) the proposed procedural schedule was just that – a

¹ The Florida Industrial Power Users Group ("FIPUG") also filed a response in opposition to FPL's Motion to Bifurcate.

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proposed schedule for discussion among parties to work towards scheduling a bifurcated proceeding in advance of August/September 2011 (not an attempt to impose upon counsel for other parties a particular schedule).

4. FPL conferred with OPC and FIPUG on February 21, 2011, prior to filing the Motion to Bifurcate on that same day. After receiving and reviewing OPC's Response, which includes a number of assertions with which FPL takes issue, FPL contacted OPC and held an extended discussion regarding the bifurcation request. FPL advised OPC that it took exception to certain statements in its Response and advised OPC that it was mindful of OPC's concerns regarding the availability of its resources and expert witness and that FPL in no way sought to deprive OPC of a reasonable opportunity to prepare for hearings.²

5. In light of the foregoing, and while noting its objections to specific assertions in OPC's Response, FPL wishes to mitigate any potential concerns that OPC has with its ability to prepare for hearings if the Motion to Bifurcate is granted and seeks to work cooperatively with OPC and other parties and staff to this proceeding. Therefore, FPL hereby voluntarily withdraws its Motion to Bifurcate.

² In the meeting FPL did not raise with OPC its attempt in its Response to address issues for hearing as the Commission has a separate process for raising and identifying issues for hearing.

Respectfully submitted this 18th day of March, 2011.

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

I HEREBY CERTIFY that a true and correct copy of FPL's Voluntary Withdrawal of Motion to Bifurcate was served electronically this 18th day of March, 2011 to the following:

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