

**Diamond Williams**

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**Sent:** Tuesday, June 21, 2011 3:57 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Electronic Filing / Docket 110069-EI / FPL's Response to Motion to Postpone Hearing  
**Attachments:** 6 20 11 Dkt 110069 FPL Response to M.Postpone Hearing.pdf  
Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 110069 - EI  
In RE: Complaint of Rosario Rojo against Florida Power & Light Company, Case No. 858880E

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages

e. The document attached for electronic filing is Florida Power & Light Company's Response in Opposition to Petitioner's Motion to Postpone Hearing.

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Complaint of Rosario Rojo against  
Florida Power & Light Company

Docket No. 110069-EI

Filed: June 21, 2011

**FLORIDA POWER AND LIGHT COMPANY'S RESPONSE IN  
OPPOSITION TO PETITIONER'S MOTION TO POSTPONE HEARING**

Florida Power & Light Company, Inc. ("FPL"), pursuant to Rule 28-104.206, F.A.C., hereby files its response in opposition to Petitioner Rosario Rojo's Motion to Postpone Hearing ("Petitioner's Motion"). For the reasons set forth below, the Florida Public Service Commission ("Commission") should deny Petitioner's Motion.

1. Petitioner's Motion To Postpone Hearing should be denied as untimely. The Commission issued its Order on Notice of the Agenda Conference for this docket on June 3, 2011. Petitioner waited until the evening before the scheduled agenda conference to file her Motion.<sup>1</sup>

2. Additionally, Petitioner sets forth no good cause for postponing the hearing on FPL's Motion To Dismiss. Petitioner first asserts that "additional time is necessary to file discovery." However, discovery is neither considered nor appropriate for assessing a motion to dismiss. Petitioner next merely restates the accusations that form the basis of her complaint, which accusations do not constitute cause for postponement.

3. In short, Petitioner sets forth no substantive grounds to justify postponement.

4. Finally, any additional delay would unduly prejudice FPL's right to obtain a final resolution of this matter.

WHEREFORE, FPL requests that the Commission enter an order denying Petitioner's Motion To Postpone Hearing.

Respectfully submitted this 21st day of June, 2011.

R. Wade Litchfield, Vice President and General  
Counsel

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By: /s/Scott A. Goorland

Scott A. Goorland

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<sup>1</sup> Indeed, due to the late hour of the transmittal, Petitioner's Motion is deemed filed at 8:00 a.m. on June 14, 2011, the very morning of the scheduled hearing. Fla. Admin. Code R. 28-106.104(3).

**CERTIFICATE OF SERVICE**  
**Docket No. 110069-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic delivery on this 21st day of June, 2011, to the following:

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