

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Rosario Rojo against Florida Power & Light Company, Case No. 858880E. | DOCKET NO. 110069-EI  
ORDER NO. PSC-11-0284-PCO-EI  
ISSUED: June 29, 2011

ORDER DENYING MOTION FOR CONTINUANCE

On March 15, 2011, Ms. Rosario Rojo (Ms. Rojo) filed a formal complaint against Florida Power & Light Company (FPL).<sup>1</sup> On April 4, 2011, FPL filed its motion to dismiss Ms. Rojo's complaint with prejudice.

On April 12, 2011, Ms. Rojo's Motion for Extension of Time to file a response to FPL's Motion was filed in the docket file. On April 12, 2011, Ms. Rojo filed her response to FPL's dismissal motion concurrent with her motion to extend the time to respond. On April 19, 2011, FPL filed its Reply to Ms. Rojo's Motion for Extension of Time, requesting a denial of Ms. Rojo's Motion as it was untimely and did not show good cause for being filed untimely. On April 19, 2011, FPL also filed its Motion opposing Ms. Rojo's response as being repetitive of her complaint.

Order No. PSC-11-0207-PCO-EI was issued on April 26, 2011, granting Ms. Rojo's Motion for Extension of Time to file her response.

On June 2, 2011, a recommendation was filed in the docket file for the June 14, 2011 agenda conference.<sup>2</sup> The parties received copies of the recommendation in accordance with our policies, practices, and procedures. The recommendation is also available to all parties on our website.

On June 14, 2011, Ms. Rojo's Motion for Continuance was filed in the docket file.<sup>3</sup> In her Motion, Ms. Rojo alleges insufficient time for discovery, bad faith practices by FPL, and non-receipt of the June 2, 2011 recommendation as reasons for requesting the continuance.<sup>4</sup> On June 21, 2011, FPL filed its response in opposition to Ms. Rojo's Motion, stating that Ms. Rojo failed to show good cause for the continuance.

<sup>1</sup> Ms. Rojo filed her formal complaint in response to Commission staff's closure of the informal complaint process after two years in March 2011. In closing the informal complaint file, Commission staff concluded there were no violations by FPL.

<sup>2</sup> Upon filing the recommendation, Commission staff contacted Ms. Rojo and FPL to obtain information on their participation at the agenda conference. Ms. Rojo said she would be requesting a deferral of the item. Staff advised Ms. Rojo of the timeline for filing the deferral request and provided directions for submitting the request. Our staff also referred Ms. Rojo to the Commission's website for any further information she may need.

<sup>3</sup> Ms. Rojo's Motion for Continuance was assigned a document No. 04068 and filed in Docket No. 110069-EI on June 14, 2011, the day of the agenda conference.

<sup>4</sup> Ms. Rojo had several additional contacts with Commission staff including on June 13, 2011, but never mentioned not receiving a copy of the June 2, 2011 recommendation.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Rule 28-106-210, Florida Administrative Code (F.A.C.) provides that a motion for a continuance may be granted for good cause shown. In accordance with our policies, practices, and procedures, a motion to continue a scheduled agenda item must be filed by 12:00 Noon the day before the agenda conference, unless there is an apparent emergency.

I find that Ms. Rojo did not meet her burden of showing good cause for the continuance and that her Motion for Continuance was filed untimely as there is no apparent emergency. Accordingly, Ms. Rojo's Motion for Continuance is denied.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer, that Rosario Rojo's Motion for Continuance is hereby denied.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 29th day of June, 2011.



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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.