

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

June 15, 2012

Jon C. Moyle, Jr., Esquire
Keefe Anchors Gordon & Moyle, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301

Re: 1st District Court of Appeal Case No. 1D12-2371 – Florida Industrial Power Users Group vs. Florida Public Service Commission, PSC Docket No. 110309-EI

Dear Mr. Moyle:

Enclosed is the Revised Index, due to scriveners' error on page 7, to the record on appeal regarding the above-referenced docket.

If you have any questions regarding this revised Index, please feel free to contact me. The record will be filed in the First District Court of Appeals on or before August 27, 2012.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Cole".

Ann Cole
Commission Clerk

AC: mhm
Enclosure

cc: Vicki Gordon Kaufman, Keefe Anchors Gordon & Moyle, P.A.
John T. Butler, Esquire, Florida Power & Light Company
Ken Hoffman, Florida Power & Light Company
Samantha Cibula, Commission Office of the General Counsel
Pamela Page, Commission Office of the General Counsel

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

03918 JUN 15 2 51 PM '12

FPSC-COMMISSION CLERK

REVISED INDEX (BY DATE)
**(Corrected as to scriveners' error to Docket No. referenced in the
PROGRESS DOCKET section on page 7 only)**

PSC DOCKET NO. 110309-EI

Pursuant to Rule 9.200(d)(1)(B), Fla.R.App.P., each volume has a cover sheet containing the name of the lower tribunal and the style and number of the case.

Volume 1

<u>DATE</u>		<u>BATES-STAMP PAGE NOS.</u>
11/21/11	Florida Power & Light Company's ("FPL") petition [to determine need for modernization of Port Everglades Plant]	1-30
11/21/11	FPL's direct testimony of Juan E. Enjamio and Exhibits JEE-1 through JEE-7	31-72
11/21/11	FPL's direct testimony of John C. Gnecco IV, P.E. and Exhibits JCG-1 through JCG-9	73-113
11/21/11	FPL's direct testimony of Kennard F. Kosky and Exhibits KFK-1 through KFK-5	114-160
11/21/11	FPL's direct testimony of Pedro Modia, P.E. and Exhibit PM-1	161-183
11/21/11	FPL's direct testimony of Dr. Rosemary Morley and Exhibits RM-1 through RM-9 [See Volume 2 for continued pages]	184-200

Volume 2

11/21/11	[Continuation of] FPL's direct testimony of Dr. Rosemary Morley and Exhibits RM-1 through RM-9	201-225
11/21/11	FPL's direct testimony of Rene Silva and Exhibit RS-1	226-266
11/21/11	FPL's direct testimony of Heather C. Stubblefield and Exhibit HCS-1	267-278
11/28/11	Florida Public Service Commission's ("Commission") notice of commencement of proceedings for determination of need for proposed electrical power plant, to FPL, Department of Community Affairs ("DCA"), Department of Environmental Protection ("DEP"), and all other interested persons.....	279-280
12/09/11	Commission Order PSC-11-0565-PCO-EI establishing procedure	281-291

01/05/12	Notice of prehearing and hearing for publication in January 13, 2012, Florida Administrative Weekly	292-294
01/06/12	FPL's notice of intent to request confidential classification of responses to staff's first request for production of documents, Nos. 2 and 5 (document number 00125-12) [<i>Note: Confidential document number 00125-12 was returned to the source on April 20, 2012; see cross-referenced confidential document number 00308-12.</i>]	295-296
01/13/12	Commission's certificate of service of staff's third set of interrogatories to FPL, Nos. 72-99 (<i>objections filed January 27, 2012</i>)	297
01/17/12	FPL's prehearing statement	298-306
01/17/12	FPL's request for confidential classification of information provided in response to staff's first request for production of documents, Nos. 2 and 5 (document number 00308-12); includes redacted version	307-325
01/17/12	FPL's <u>confidential</u> information provided in response to staff's first request for production of documents, Nos. 2 and 5 [<i>Note: Cross-referenced confidential document 00125-12 returned to source on April 20, 2012.</i>]	326-336
	<u>(THIS NUMBERED CONFIDENTIAL DOCUMENT HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL SEPARATELY)</u>	
01/17/12	Commission staff's prehearing statement.....	337-340
01/19/12	Memorandum from Arlisha Roberts, Commission, with noted January 18, 2012, response date, providing recommendation on confidentiality of document number 00308-12; with attached memorandum dated January 18, 2012, from Arlisha Roberts, Commission, to Charles Murphy, Commission, providing recommendation on confidential document number 00308-12	341-342
01/23/12	Commission Order PSC-12-0033-CFO-EI granting FPL's request for confidential classification of confidential document number 00308-12 and cross-referenced confidential document number 00125-12	343-345
01/24/12	Memorandum dated January 24, 2012, from Charles W. Murphy, Commission, to Ann Cole, Commission, advising of January 24, 2012, informal meeting.....	346

01/27/12	FPL’s notice of service of objections and responses to staff’s third set of interrogatories, Nos. 72-99.....	347-348
01/31/12	Transcript of prehearing conference held January 31, 2012, in Tallahassee.....	349-357
01/31/12	Memorandum dated January 31, 2012, from Charles Murphy, Commission, to all parties of record and interested persons advising of February 3, 2012, informal meeting	358
02/07/12	Memorandum dated February 7, 2012, from Charles Murphy, Commission, to all parties of record and interested persons advising of February 9, 2012, informal meeting	359
02/09/12	FPL’s errata sheet [to testimony and exhibits of Heather Stubblefield, Rene Silva, and Juan Enjamio]	360-362
02/13/12	Commission Prehearing Order PSC-12-0063-PHO-EI	363-378
02/14/12	Florida Industrial Power Users Group’s (“FIPUG”) petition to intervene.....	379-383
02/15/12	FPL’s opposition to FIPUG’s petition to intervene.....	384-391
02/16/12	FIPUG’s motion for leave to file response [to FPL’s opposition to FIPUG’s petition to intervene]	392-398

Volume 3

Pursuant to Rule 9.200(d)(1)(A), Fla.R.App.P., the hearing transcript, filed February 23, 2012, is incorporated at the end of the record and has not been renumbered.

02/16/12	FPL’s opposition to FIPUG’s motion for leave to file response.....	399-401
02/20/12	Commission Order PSC-12-0070-PCO-EI granting intervention to FIPUG and denying FIPUG’s motion for leave to file response	402-403
02/20/12	FIPUG’s notice of position on issues to be decided	404-409
02/23/12	Hearing Exhibit 1 of the February 20, 2012, hearing held in Tallahassee.....	410-413
02/23/12	Hearing Exhibit 2 of the February 20, 2012, hearing held in Tallahassee	414-415

02/23/12	Hearing Exhibit 3 of the February 20, 2012, hearing held in Tallahassee	416-417
02/23/12	Hearing Exhibit 4 of the February 20, 2012, hearing held in Tallahassee	418-419
02/23/12	Hearing Exhibit 5 of the February 20, 2012, hearing held in Tallahassee	420-421
02/23/12	Hearing Exhibit 6 of the February 20, 2012, hearing held in Tallahassee	422-423
02/23/12	Hearing Exhibit 7 of the February 20, 2012, hearing held in Tallahassee	424-425
02/23/12	Hearing Exhibit 8 of the February 20, 2012, hearing held in Tallahassee	426-427
02/23/12	Hearing Exhibit 9 of the February 20, 2012, hearing held in Tallahassee	428-429
02/23/12	Hearing Exhibit 10 of the February 20, 2012, hearing held in Tallahassee	430-431
02/23/12	Hearing Exhibit 11 of the February 20, 2012, hearing held in Tallahassee	432-433
02/23/12	Hearing Exhibit 12 of the February 20, 2012, hearing held in Tallahassee	434-435
02/23/12	Hearing Exhibit 13 of the February 20, 2012, hearing held in Tallahassee	436-437
02/23/12	Hearing Exhibit 14 of the February 20, 2012, hearing held in Tallahassee	438-439
02/23/12	Hearing Exhibit 15 of the February 20, 2012, hearing held in Tallahassee	440-441
02/23/12	Hearing Exhibit 16 of the February 20, 2012, hearing held in Tallahassee	442-443
02/23/12	Hearing Exhibit 17 of the February 20, 2012, hearing held in Tallahassee	444-445

02/23/12	Hearing Exhibit 18 of the February 20, 2012, hearing held in Tallahassee.....	446-447
02/23/12	Hearing Exhibit 19 of the February 20, 2012, hearing held in Tallahassee.....	448-449
02/23/12	Hearing Exhibit 20 of the February 20, 2012, hearing held in Tallahassee.....	450-451
02/23/12	Hearing Exhibit 21 of the February 20, 2012, hearing held in Tallahassee.....	452-456
02/23/12	Hearing Exhibit 22 of the February 20, 2012, hearing held in Tallahassee.....	457-476
02/23/12	Hearing Exhibit 23 of the February 20, 2012, hearing held in Tallahassee.....	477-478
02/23/12	Hearing Exhibit 24 of the February 20, 2012, hearing held in Tallahassee.....	479-480
02/23/12	Hearing Exhibit 25 of the February 20, 2012, hearing held in Tallahassee.....	481-482
02/23/12	Hearing Exhibit 26 of the February 20, 2012, hearing held in Tallahassee.....	483-484
02/23/12	Hearing Exhibit 27 of the February 20, 2012, hearing held in Tallahassee.....	485-486
02/23/12	Hearing Exhibit 28 of the February 20, 2012, hearing held in Tallahassee.....	487-489
02/23/12	Hearing Exhibit 29 of the February 20, 2012, hearing held in Tallahassee.....	490-491
02/23/12	Hearing Exhibit 30 of the February 20, 2012, hearing held in Tallahassee.....	492-493
02/23/12	Hearing Exhibit 31 of the February 20, 2012, hearing held in Tallahassee.....	494-497
02/23/12	Hearing Exhibit 32 of the February 20, 2012, hearing held in Tallahassee.....	498-499

02/23/12	Hearing Exhibit 33 of the February 20, 2012, hearing held in Tallahassee.....	500-501
02/23/12	Hearing Exhibit 34 of the February 20, 2012, hearing held in Tallahassee.....	502-503
02/23/12	Hearing Exhibit 35 of the February 20, 2012, hearing held in Tallahassee [See Volume 4 for continued pages].....	504-600

Volume 4

02/23/12	[Continuation of] Hearing Exhibit 35 of the February 20, 2012, hearing held in Tallahassee.....	601-642
02/23/12	Hearing Exhibit 36 of the February 20, 2012, hearing held in Tallahassee.....	643-659
02/23/12	Hearing Exhibit 37 of the February 20, 2012, hearing held in Tallahassee.....	660-714
02/23/12	Hearing Exhibit 38 of the February 20, 2012, hearing held in Tallahassee.....	715-725
02/23/12	Hearing Exhibit 39 of the February 20, 2012, hearing held in Tallahassee.....	726-736
02/23/12	Hearing Exhibit 40 of the February 20, 2012, hearing held in Tallahassee.....	737-744
02/23/12	Hearing Exhibit 41 of the February 20, 2012, hearing held in Tallahassee.....	745-751
02/23/12	Hearing Exhibit 42 of the February 20, 2012, hearing held in Tallahassee.....	752-764
03/01/12	FIPUG’s unopposed motion for extension of time to file brief.....	765-767
03/01/12	Commission Order PSC-12-0090-PCO-EI granting FIPUG's unopposed motion for extension of time to file brief.....	768-769
03/05/12	FPL’s post-hearing brief.....	770-798

Volume 5

03/05/12	FIPUG’s post-hearing brief and conclusions of law.....	799-829
----------	--	---------

03/15/12	Memorandum dated March 15, 2012, from the Commission's Divisions of Regulatory Analysis, Economic Regulation, and Office of the General Counsel to Office of Commission Clerk providing staff recommendation for the March 27, 2012, Commission conference.....	830-854
03/28/12	Commission vote sheet, Item No. 5, from March 27, 2012, regular Commission conference	855-858
03/30/12	Transcript of March 27, 2012, Commission conference, Item No. 5	859-867
04/09/12	Commission Order PSC-12-0187-FOF-EI granting FPL's November 21, 2011, petition to determine need for modernization of Port Everglades Plant.....	868-886
04/24/12	Letter dated April 24, 2012, from Ann Cole, Commission, to Maria J. Moncada, FPL, returning confidential document 00125-12	887
04/30/12	FIPUG's notice of administrative appeal.....	888-908
05/08/12	Letter dated May 8, 2012, from Ann Cole, Commission, to John C. Moyle, Jr., Esquire, Keefe Anchors Gordon & Moyle, P.A., advising a certified copy of the notice of administrative appeal with attachment has been electronically filed with the Florida First District Court of Appeal ("1 st DCA")	909-930
05/09/12	Letter dated May 8, 2012, from Jon S. Wheeler, 1 st DCA Clerk of the Court, to Commission acknowledging receipt of notice of appeal, Case No. 1D12-2371	931

Progress Docket

Pursuant to Rule 9.200(d)(1)(A), Fla.R.App.P., the document filings index for the lower tribunal docket has been incorporated into the record immediately after the index.

Hearing Transcript

Pursuant to Rule 9.200(d)(1)(A), Fla.R.App.P., the hearing transcript is incorporated at the end of the record and has not been renumbered.

Transcript of hearing, pages 1 through 262, held February 20, 2012, in Tallahassee, filed February 23, 2012.