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Hublic Service Commission

June 20, 2012

Jon C. Moyle, Jr., Esquire Moyle Law Firm The Perkins House 118 North Gadsden Street Tallahassee, Florida 32301

Re: 1<sup>st</sup> 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:

This letter is to advise you of the electronic filing of the record on appeal transmitted to the 1<sup>st</sup> District Court of Appeal on this date. Enclosed is a copy of the revised index (by date) regarding the above-referenced docket.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Ann Cole

Commission Clerk

AC: mhm Enclosure

cc: Vicki Gordon Kaufman, Moyle Law Firm John T. Butler, Florida Power & Light Company Ken Hoffman, Florida Power & Light Company Samantha Cibula, Office of the General Counsel Pamela Page, Office of the General Counsel 24060 JUN 20 ≥

## **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

DATE	BATES-STAMP PAGE NOS.
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
11/21/11	FPL's direct testimony of John C. Gnecco IV, P.E. and Exhibits JCG-1 through JCG-9
11/21/11	FPL's direct testimony of Kennard F. Kosky and Exhibits KFK-1 through KFK-5
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]
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11/21/11	[Continuation of] FPL's direct testimony of Dr. Rosemary Morley and Exhibits RM-1 through RM-9201-225
11/21/11	FPL's direct testimony of Rene Silva and Exhibit RS-1226-266
11/21/11	FPL's direct testimony of Heather C. Stubblefield and Exhibit HCS-1
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
12/09/11	Commission Order PSC-11-0565-PCO-EI establishing procedure 281-291

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01/05/12	Notice of prehearing and hearing for publication in January 13, 2012, Florida Administrative Weekly
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) [Note: Confidential document number 00125-12 was returned to the source on April 20, 2012; see cross-referenced confidential document number 00308-12.]  295-296
01/13/12	Commission's certificate of service of staff's third set of interrogatories to FPL, Nos. 72-99 (objections filed January 27, 2012)
01/17/12	FPL's prehearing statement
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
01/17/12	FPL's confidential information provided in response to staff's first request for production of documents, Nos. 2 and 5 [Note: Cross-referenced confidential document 00125-12 returned to source on April 20, 2012.]
01/17/12	Commission staff's prehearing statement
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 00308-12341-342
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
01/24/12	Memorandum dated January 24, 2012, from Charles W. Murphy, Commission, to Ann Cole, Commission, advising of January 24, 2012, informal meeting

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
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03/05/12	FPL's post-hearing brief	770-798
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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 ("1st DCA")	909-930
05/09/12	Letter dated May 8, 2012, from Jon S. Wheeler, 1 <sup>st</sup> 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.