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Sent: Thursday, August 16, 2012 1:46 PM
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Subject: JOINT INITIAL AND PRELIMINARY RESPONSE TO MOTION TO SUSPEND HEARING BY OPC AND FRF
Attachments: 120015 - OPC and FRF Joint Initial and Preliminary Response to Motion to Suspend Hearing.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 120015-EI

In re: Petition for rate increase by Florida Power & Light Company

c. Documents being filed on behalf of the Office of Public Counsel

d. There are a total of 4 pages.

e. The document attached for electronic filing is: **JOINT INITIAL AND PRELIMINARY RESPONSE TO MOTION TO SUSPEND HEARING BY OFFICE OF PUBLIC COUNSEL AND THE FLORIDA RETAIL FEDERATION.** Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

05637 AUG 16 2012

8/16/2012

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida
Power & Light Company

Docket No: 120015-EI

Filed: August 16, 2012

**JOINT INITIAL AND PRELIMINARY
RESPONSE TO MOTION TO SUSPEND HEARING BY OFFICE OF PUBLIC
COUNSEL AND THE FLORIDA RETAIL FEDERATION**

The Citizens of the State of Florida, through the Office of Public Counsel (OPC) and the Florida Retail Federation (FRF), submit their joint initial and preliminary response to the Joint Motion to Suspend Procedural Schedule (“Motion to Suspend”) filed by Florida Power & Light Company (FPL), South Florida Hospital and Health Care Association (SFHHA), Florida Industrial Power Users Group (FIPUG), and Federal Executive Agencies (FEA) (collectively “FPL”) on August 15, 2012. OPC and FRF state that they do not oppose the Motion at this time only to the extent that it requests the Commission to suspend the hearing currently scheduled to begin on August 20, 2012 in this Docket and establish procedures and time frames adequate to provide due process to OPC and other parties.

1. The Motion to Suspend recites that it is filed contemporaneously with a Motion to Approve Settlement. The “settlement” to which the pleading refers is a document that only FPL, SFHHA, FIPUG, and FEA have executed. Coming on the eve of a hearing scheduled to start in three business days, the “settlement” has created a situation of first impression which the parties must evaluate and brief as part of their full response. Despite the vigorous objection by OPC and FRF to it, which OPC and FRF will develop in a separate pleading, the practical impact of the “settlement” filing and the accompanying Motion to Suspend is that the hearing cannot proceed without the Commission first

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conducting a full analysis of the impact of the filing on the case and the respective rights and obligations of the parties to the case.

2. The OPC and FRF further assert that the one-day hearing requested for consideration of the "settlement" and the alternative 6 day hearing time proposed by FPL are legally and logistically inadequate. This argument will also be supported in the OPC's and FRF's fuller response that will be timely filed at a later date. To be clear, this statement of no opposition to the suspension of the hearing is not an agreement that the procedure suggested by FPL is lawful or that it should be followed or that there is any linkage between suspension and the further procedures suggested by FPL. Rather, this statement is a recognition of the reality that the hearing cannot practically go forward on its current schedule, given the timing of the "settlement" filing and the need for time and opportunity to respond to it fully without sacrificing the requirements of case preparation.

For the foregoing reasons, OPC and FRF state that they do not oppose suspension of the hearing.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and foregoing **JOINT INITIAL AND PRELIMINARY RESPONSE TO MOTION TO SUSPEND HEARING BY OFFICE OF PUBLIC COUNSEL AND THE FLORIDA RETAIL FEDERATION** has been furnished by electronic mail and/or U.S. Mail on this 16th day of August, 2012, to the following:

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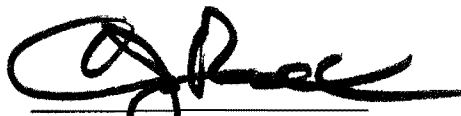
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