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**Subject:** Docket No. 120015-EI

**Attachments:** Village of Pinecrest's Response to Joint Motion for Suspension of Procedural Schedule.pdf

Below is the required information for the attached e-filing with the Florida Public Service Commission:

- a. The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

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- b. The docket number and title if filed in an existing docket:

**Title:** In Re: Petition for Increase in Rates by Florida Power & Light Company  
**Docket No.** 120015-EI

- c. The name of the party on whose behalf the document is filed:

Village of Pinecrest, Florida

- d. The total number of pages in each attached document:

Village of Pinecrest's Response to Joint Motion for Suspension of Procedural Schedule - 5 pages

- e. A brief but complete description of each attached document:

Village of Pinecrest's Response to Joint Motion for Suspension of Procedural Schedule

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition for Increase in Rates by )  
Florida Power & Light Company )  
\_\_\_\_\_ )

DOCKET NO.: 120015-EI  
FILED: August 17, 2012

**VILLAGE OF PINECREST'S RESPONSE TO JOINT MOTION  
FOR SUSPENSION OF PROCEDURAL SCHEDULE**

The Village of Pinecrest ("Village"), by and through its undersigned counsel and pursuant to Rule 28-106(1), Florida Administrative Code (F.A.C.), responds to the Joint Motion for Suspension of Procedural Schedule ("Motion") filed jointly on August 15, 2012, by Florida Power & Light Company ("FPL"), the Florida Industrial Power Users Group ("FIPUG"), the South Florida Hospital and Healthcare Association ("SFHHA") and the Federal Executive Agencies ("FEA") (collectively "Movants"). Said Motion, which was filed concurrently with a Joint Motion to Approve Settlement Agreement ("Settlement Agreement"), should be granted to the limited extent that a suspension of the procedural schedule will afford all parties the opportunity to respond adequately to the proposed Settlement Agreement, and will afford the Commission the opportunity to reschedule the proceedings appropriately so that hearing preparation time for each party is not diminished due to the timing of filing by Movants. In support of the foregoing, the Village states:

1) On August 14, 2012, the Prehearing Officer met in prehearing conference with all parties in the instant proceeding, wherein he established the issues to be considered in the case and the anticipated order of witnesses. At that time, the Prehearing Officer admonished the parties to limit and manage their use of time in the hearing so that the hearing, scheduled to begin August 20, 2012, could be completed within the then allotted 10 days. See, e.g., Prehearing Conference Transcript, pp. 16, 31 and 127-129. Counsel then, with the issues and the witness order finalized, had available to it three working days and a weekend in which to prepare for hearing in a case involving more than a dozen parties of record, more than 35 witnesses and more than 150 issues.

2) On August 15, 2012, with mere hours' notice, Movants concurrently filed the Motion and the proposed Settlement Agreement. In order to review, digest, understand and respond to the Motion and proposed Settlement Agreement, counsel for the Village was required to re-allocate a significant amount of its limited time available for hearing preparation, which re-allocation of time has substantially reduced and negatively impacted the Village's ability to be prepared for hearing.

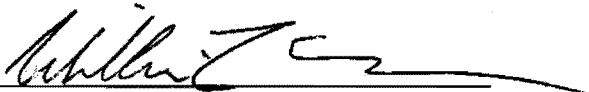
3) Although the Village believes that the timing of Movants' filings requires that the Commission suspend the procedural schedule to fairly afford the parties the same opportunity to prepare as if the filing had not been made, the Village also opposes specific aspects of the Motion. In particular, the Village opposes Movants' proposal that rescheduling of hearing dates, if required, result in a reduction of the number of days available from 10 to 6. Such a reduction would further, and unfairly, burden intervenors who face logistical and time constraints even under the current 10-day hearing schedule. The Village opposes any proposal which would limit the number of hearing days to fewer than 10. The Commission has wide latitude in resetting its procedural schedules generally, and may do so in this case to ensure that no party loses its ability to fully prepare for and present its case. It has been the Commission's practice to suspend the procedural schedule upon request when it is asked to consider a settlement agreement, see, ORDER NO. PSC-02-0348-PCO-EL. The Commission has a great deal of flexibility to alter and extend its procedural schedules, even in electric file-and-suspend rate cases, as was demonstrated in FPL's last rate case, Docket No. 080677-EL.

4) Moreover, the Village objects to Movants' request that the Commission's approval, *vel non*, of the proposed Settlement Agreement be issued from the bench following a brief, one-day hearing. In the case of settlement agreements, it has been customary for the Commission to render a bench decision following a hearing on the settlement. However, in most, if not all cases when settlement agreements are presented to the Commission they are true settlement agreements stipulated by all key parties, including the Office of Public Counsel when that office is a party to the

proceeding. The Public Counsel is charged by statute with the representation of FPL customers, and has automatic standing in rate proceedings for that reason. It is clearly the policy in this state that the Public Counsel be the representative of the customers at large. As such, the absence of the Public Counsel's stipulation to any settlement proposal considered in a proceeding where his office is a party should raise special concern for the Commission and indicate that unusual care in consideration should be exercised before approval.

For the foregoing reasons, the Village respectfully requests that: 1) the Commission suspend and revise the procedural schedule to ensure that no party's ability to prepare for hearing is impaired as a result of the Movants' filings; 2) any rescheduled hearing consist of no fewer than 10 days; 3) any other elements of the procedural schedule be reset in a manner that does not reduce the time that would have otherwise been available to intervenors had Movants' never filed the Motion and propose Settlement Agreement; and 4) the Commission reject any request for a bench decision to approve any settlement agreement which is not stipulated by Public Counsel.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail to the service list below, on this 17<sup>th</sup> day of August, 2012:

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