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STATE OF FLORIDA



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# Public Service Commission

March 29, 2013

Joseph A. McGlothlin, Esquire  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

**Re: Citizens of the State of Florida, etc. vs. Florida Public Service Commission  
Supreme Court Case No. SC13-144 - FPSC Docket No. 120015-EI**

Dear Mr. McGlothlin:

Enclosed is the Index to the record on appeal regarding the above-referenced docket. Please review this index for content of the record.

If you have any questions regarding this index, please feel free to contact me. The record will be filed in the Florida Supreme Court on or before May 28, 2013.

Sincerely,

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

Ann Cole  
Commission Clerk

AC: mhm  
Enclosure

cc: J.R. Kelly, Esquire  
Charles J. Rehwinkel, Esquire  
Samantha Cibula, Esquire  
Rosanne Gervasi, Esquire  
Vicki Gordon Kaufman, Esquire  
Jon C. Moyle, Esquire  
Karen White  
Gregory J. Fike, Lt Col  
Glen Gibelina  
Linda S. Quick  
William C. Garner  
Brian P. Armstrong

Kenneth L. Wiseman, Esquire  
Mark F. Sunback, Esquire  
J. Peter Ripley, Esquire  
John T. Butler, Esquire  
R. Wade Litchfield, Esquire  
Ken Hoffman  
Robert Scheffel Wright, Esquire  
John T. LaVia, Esquire  
John W. Hendricks  
Thomas Saporito  
Guido H. Inguanzo, Jr., CMC

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01529 MAR 29 2013  
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 \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED  
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**	(THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 04387-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 04862-12)	
07/02/12	FEA'S direct testimony of Michael P. Gorman and Exhibits MPG-1 through MPG-21 .....	3,676-3,778
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\*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 04407-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 04920-12)

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\*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 04862-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 04387-12)

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\*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 04920-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 04407-12)

07/23/12 FPL's redacted version of information included in responses to staff's seventh set of interrogatories (No. 242: Attachment 1); staff's sixth request for production of documents (No. 50: Part 1 (only Attachments 22 and 35), and Part 2 (all)); OPC's eighth set of interrogatories (Nos. 144, 146, 148, 149, 151, 157, and 161) [See Volume 31 for continued pages] ..... 5,988-6,000

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\*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05000-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 05633-12)

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 (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05633-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 05000-12)

08/16/12 Redacted version of FPL's information included in attachments to response to OPC's first request for production of documents (Nos. 5 and 6) and eighth set of interrogatories (No. 156); staff's sixth request for production of documents (No. 50 Part 1 (Attachments, 2a, 3, 4, 6a, 11, 14, 15, 16, 19, 20, 23, 25 (pages 77-85), 27, 29, 31, and 33)); first request for production of documents (No. 11); first request for production of documents No. 2, 2011 analyst research reports (pages 1, 4, 5, 9, 29, 48, 69, 82, 84, 91, 121, 122, 132, 133, 166, 167, 198, 207, 217, 247, 256, 257, 295, 301, 307, 335, 345, 399, 424, 477, 633, 643-646, 669-671, 696, 739-741, and 891); and 2012 analysts research reports (pages 4, 10, 39, 44, 47, 55, 72) [See Volume 41 for continued pages] ..... 7,912-8,000

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08/17/12 OPC and FRF’s response to joint motion to suspend hearing ..... 9,008-9,018

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\*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05686-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 06040-12)

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- 08/29/12 Saporito's emergency motion for expedited reconsideration of the Commission's denial of Saporito's August 20, 2012, motion in limine regarding any testimony related to the proposed settlement agreement between FPL, FIPUG, SFHHA, and FEA ..... 9,098-9,102
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- 08/29/12 FPL's notice of service of notice of intent to request confidential classification (*confidential document number 05903-12*)..... 9,109-9,112
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- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05903-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 06289-12)
- 08/30/12 Transcript of hearing, Volume 18, pages 2,295 through 2,482, held August 27, 2012, in Tallahassee .....ATTACHMENT ONE
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- 08/30/12 Transcript of hearing, Volume 19, pages 2,483 through 2,738, held August 27, 2012, in Tallahassee .....ATTACHMENT ONE
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- 08/30/12 **Confidential** Hearing Exhibit Number 609, FPL's response to staff's request for production of document (No. 50): Exhibit 30; (Bates Nos. 4680-4764). ..... ATTACHMENT THREE
- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05923-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED TO PORTIONS OF DOCUMENT NUMBERS 05903-12 and 06289-12; SEE DOCUMENT NUMBER 06386-12)
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- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05924-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; SEE DOCUMENT NUMBER 06386-12)
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- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05925-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED TO PORTIONS OF DOCUMENT NUMBERS 04407-12 and 04920-12; SEE DOCUMENT NUMBER 06386-12)
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- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05926-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; SEE DOCUMENT NUMBER 06386-12)
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- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05927-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED TO PORTIONS OF DOCUMENT NUMBERS 05000-12 and 05633-12; SEE DOCUMENT NUMBER 06386-12)



- 08/30/12 **Confidential** Hearing Exhibit No. 614, FPL's response to staff's request for production of documents (No. 50): Exhibit 31 (Bates Nos. 4765-4806)..... ATTACHMENT THREE
- \*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 05928-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED TO PORTIONS OF DOCUMENT NUMBERS 05000-12 and 05633-12; SEE DOCUMENT NUMBER 06386-12)
- 08/30/12 Transcript of hearing, Volume 20, pages 2,739 through 2,919, held August 27, 2012, in Tallahassee .....ATTACHMENT ONE
- 08/31/12 Letter dated August 31, 2012, from Kenneth M. Rubin, FPL, to Ann Cole, Commission, with attached executive summary of rate case and affidavits of Robert Simm, Lindley Graves, and Dunia Oliveros..... 9,120-9,152
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- 09/04/12 Saporito's motion to dismiss [joint motion for approval of settlement], pursuant to Fed. R. Civ. P. 12(b)(6) and memorandum of points and authorities in support thereof ..... 9,159-9,167
- 09/04/12 Transcript of hearing, Volume 24, pages 3,641 through 3,810, held August 29, 2012, in Tallahassee .....ATTACHMENT ONE
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- 09/04/12 Letter dated September 4, 2012, from John T. Butler, FPL, to Ann  
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**	(THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 06040-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 05686-12)	
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09/12/12 Memorandum dated September 11, 2012, from Caroline Klancke, Commission, to Office of Commission Clerk, with attached responses to Saporito's first data request (Nos. 1-15) from FPL ..... 9,363-9,392

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**	(THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 06289-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 05903-12)	
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**	(THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 06386-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 06494-12)	
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\*\* (THIS CONFIDENTIAL DOCUMENT, ASSIGNED DOCUMENT NUMBER 06494-12, HAS BEEN TRANSMITTED TO THE UPPER TRIBUNAL UNDER SEPARATE COVER; CROSS-REFERENCED DOCUMENT NUMBER 06386-12)

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10/01/12	Memorandum dated October 1, 2012, from Betty Gardner, Commission, to Keino Young, Commission, providing recommendation on document number 06494-12, with attached memorandum from Betty Gardner, Commission, with noted October 1, 2012, response date providing recommendation on confidentiality of document number 06494-12....	10,274-10,276
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10/04/12	Memorandum dated October 4, 2012, from Betty Gardner, Commission, to Keino Young, Commission, providing amended recommendation on document numbers 06494-12 and 06386-12, with attached amended memorandum from Betty Gardner, Commission, with noted October 4, 2012, response date providing recommendation on confidentiality of document number 06494-12 ( <i>cross-referenced document number 06386-12</i> ) .....	10,288-10,290
10/04/12	Transcript of hearing, Volume 34, pages 5,045 through 5,169, held September 27, 2012, in Tallahassee ( <i>see October 5, 2012, filing, document number 06796-12, for errata sheet</i> ).....	ATTACHMENT ONE
10/05/12	Memorandum dated October 5, 2012, from Betty Gardner, Commission, to Keino Young, Commission, providing recommendation on document number 06289-12, with attached memorandum from Betty Gardner, Commission, with noted October 5, 2012, response date providing recommendation on confidentiality of document number 06289-12 ( <i>cross-referenced document numbers 05903-12 and 05923-12</i> ) .....	10,291-10,293
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10/12/12	FPL's direct testimony of Renae B. Deaton (proposed settlement agreement) and Exhibits RBD-12 through RBD-16.....	10,368-10,393



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10/12/12 FIPUG's supplemental direct testimony of Jeffrey Pollock, Exhibits JP-1 through JP-4, and affidavit..... 10,461-10,483

10/16/12 Alexandria Larson ("A. Larson") petition to re-intervene ..... 10,484-10,492

10/19/12 Larry Nelson's petition to intervene ..... 10,493-10,499

10/25/12 Algenol's notice of withdrawal as an intervenor ..... 10,500-10,503

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11/01/12 FPL's motion for temporary protective order for certain confidential information provided in response to staff's amended twenty-second set of interrogatories (Nos. 614-615)..... 10,517-10,520

11/02/12 Hendricks' direct testimony of John W. Hendricks and Exhibit JWH-7 ..... 10,521-10,534

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11/13/12	FPL, FIPUG, SFHHA, and FEA's joint amended prehearing statement regarding proposed settlement agreement .....	11,005-11,023

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11/21/12	Notice of special Commission conference for publication in November 26, 2012 Florida Administrative Register.....	11,130-11,131
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11/21/12	Transcript of hearing, Volume 41, pages 5,920 through 6,127 held November 20, 2012, in Tallahassee .....	ATTACHMENT ONE
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11/26/12	Transcript of hearing, Volume 43, pages 6,309 through 6,345 held November 20, 2012, in Tallahassee .....	ATTACHMENT ONE
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12/03/12	Saporito's motion for summary final order denying joint motion for approval of settlement agreement.....	11,292-11,295

12/04/12	FPL, FIPUG, SFHHA, and FEA's joint response to Saporito's motion for summary final order .....	11,296-11,300
12/04/12	Memorandum dated December 12, 2012, from Curtis M. Mouring, Commission, to Ann Cole, Commission, recommending listed confidential documents be returned to FPL ( <i>confidential document number 07548-12</i> ) .....	11,301
12/07/12	Letter dated December 7, 2012, from John T. Butler, FPL, to Ann Cole, Commission, regarding notice of intent to implement March 2012, filed rates on January 2, 2013, subject to refund, if the proposed settlement agreement is not approved.....	11,302-11,305
12/07/12	Revised letter dated December 7, 2012, from John T. Butler, FPL, to Ann Cole, Commission, regarding notice of intent to implement March 2012, filed rates on January 2, 2013, subject to refund, if the proposed settlement agreement is not approved.....	11,306-11,309
12/12/12	Order PSC-12-0652-PCO-EI denying Saporito's motion for summary final order.....	11,310-11,312
12/13/12	FPL's unexecuted revised stipulation and settlement, which includes clean and redlined versions, and an exhibit ( <i>no page one included in the official filing</i> ).....	11,313-11,351
12/13/12	FPL's executed signature page to revised stipulation and settlement.....	11,352
12/13/12	FIPUG's notice of filing executed signature page to revised FPL settlement agreement .....	11,353
12/13/12	Notice of SFHHA of agreement to revised stipulation and settlement, with attached executed stipulation and settlement.....	11,354-11,377
12/13/12	Commission vote sheet, Item 1, from December 13, 2012, special Commission conference [See Volume 58 for continued pages].....	11,378-11,400

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12/13/12	[Continuation of] Commission vote sheet, Item 1, from December 13, 2012, special Commission conference .....	11,401-11,417
12/13/12	Letter dated December 13, 2012, from Gregory J. Fike, Lt Col, FEA, to Ann Cole, Commission, with attached signature page which constitutes agreement to proposed revisions to settlement agreement discussed at the December 13, 2012, special Commission conference .....	11,418-11,419

12/13/12	FEA's certificate of service of signature page for revised settlement agreement.....	11,420-11,421
12/14/12	Saporito's motion for reconsideration of Commission's December 13, 2012, order [sic] approving FPL's settlement agreement, motion for further hearing and motion for opportunity to engage in discovery.....	11,422-11,427
12/17/12	Letter dated December 17, 2012, from John T. Butler, FPL, to Ann Cole, Commission, with attached complete revised settlement agreement, which includes all signature pages, corrected typographical errors, and revised tariff sheets.....	11,428-11,502
12/19/12	FPL's response in opposition to Saporito's motion for reconsideration.....	11,503-11,506
12/21/12	Transcript of December 13, 2012, special Commission conference in Tallahassee [See Volume 59 for continued pages].....	11,507-11,600

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01/14/13	Order PSC-13-0023-S-EI approving revised stipulation and settlement and closing docket.....	11,643-11,723
01/14/13	Saporito's motion for reconsideration of Commission's January 14, 2013, order approving FPL's revised stipulation and settlement agreement, and motion for further hearing and motion for opportunity to engage in discovery.....	11,724-11,729
01/22/13	FPL's response in opposition to Saporito's second motion for reconsideration.....	11,730-11,742
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01/30/13	FPL's statement regarding Hendricks' response in support of Saporito's motion for reconsideration.....	11,750-11,753

01/31/13	Saporito's motion to strike FPL's statement regarding Hendricks' response in support of Saporito's motion for reconsideration.....	11,754-11,756
02/04/13	FPL's response in opposition to Saporito's motion to strike .....	11,757-11,759
02/06/13	Memorandum dated February 6, 2013, from Keino Young, Commission, to Ann Cole, Commission, advising a motion for reconsideration was filed on January 14, 2013, and requesting docket be reopened to allow the Commission to address the motion.....	11,760
02/07/13	OPC's notice of administrative appeal of attached Order No. PSC-13-0023-S-EI [See Volume 60 for continued pages] .....	11,761-11,800

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02/08/13	Letter dated February 8, 2013, from Ann Cole, Commission, to Thomas D. Hall, Supreme Court, forwarding attached certified copy of notice of administrative appeal and attachment, Order PSC-13-0023-S-EI.....	11,848-11,895
02/11/13	Supreme Court of Florida's ("Supreme Court") acknowledgment of new case, Case Number SC13-144.....	11,896-11,898
02/19/13	Letter dated February 18, 2013, from Saporito to Braulio L. Baez, Commission, regarding February 19, 2013, internal affairs of the Commission .....	11,899-11,900
02/21/13	Memorandum dated February 21, 2013, from the Commission's Office of the General Counsel, Division of Accounting and Finance, Division of Economics, and Division of Engineering to the Office of Commission Clerk providing staff recommendation for March 5, 2013, regular Commission conference .....	11,901-11,909
02/21/13	Saporito's motion to withdraw January 14, 2013, motion for reconsideration.....	11,910-11,912
02/22/13	Saporito's copy of motion in opposition to appellee Commission's motion to relinquish jurisdiction and to reestablish filing dates, as filed in the Supreme Court, Case No. SC13-144 .....	11,913-11,919
02/22/13	Approved Commission staff's request for change to March 5, 2013, Commission conference, request permission to withdraw Item 5 .....	11,920



02/22/13	Nelson's copy of motion for leave to file amicus brief regarding appellee Commission's motion to relinquish jurisdiction and to reestablish filing dates, as filed in the Supreme Court, Case No. SC13-144 .....	11,921-11,945
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