

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Approval of)
Numeric Conservation Goals by)
Florida Power & Light Company)

Docket No. 130199-EI
Filed: March 21, 2014

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE IN OPPOSITION TO
SOUTHERN ALLIANCE FOR CLEAN ENERGY'S MOTION TO EXTEND
INTERVENORS' FILING DEADLINE**

Pursuant to Rule 28-106.204(1), Florida Administrative Code, Florida Power & Light Company ("FPL") hereby files this response in opposition to the Motion to Extend Intervenors' Filing Deadline filed by the Southern Alliance for Clean Energy ("SACE") on March 14, 2014 ("SACE Motion"). In support thereof, FPL states:

1. Much of the SACE Motion is devoted to supporting the Sierra Club's Motion to Extend Intervenors' Testimony Deadline, Expedite Discovery, and Promote Public Engagement that was also filed on March 14, 2014 ("Sierra Club Motion"). FPL is filing a response in opposition to the Sierra Club Motion contemporaneously with this response and incorporates by reference herein all of its grounds for opposing the Sierra Club Motion.

2. Fundamentally, both SACE and the Sierra Club ask for more time to file intervenor testimony because they claim not to have had adequate access to the updated Technical Potential Studies ("TPS") prepared by FPL and the other FEECA-jurisdictional utilities. However, both SACE and the Sierra Club received substantial information about FPL's 2014 TPS update on December 6, 2013, which FPL provided as a courtesy in response to SACE's informal data request. For three months, neither sought any further information about the TPS either informally or in formal discovery.

3. The Order Establishing Procedure has been available to SACE and the Sierra Club for seven months now.¹ The timetable for filing testimony was clearly identified in that order. If SACE or Sierra Club felt that the time provided for preparing intervenor testimony was too short, they should have raised their concern long ago. SACE may be especially at fault in this regard, because it was an active participant in the 2009 DSM proceedings. It has no excuse for having sat back and let time pass if its experience in those proceedings indicated that it would need more time.

4. In its response to the Sierra Club Motion, FPL offers to expedite the production of information and documents related to the 2014 TPS update that has been requested in discovery recently issued by the Sierra Club and SACE. Specifically, FPL is willing to provide its responses, relative to the 2014 TPS update provided last December, to Sierra Club's First Set of Interrogatories No. 17² and SACE's First Request for Production of Documents No. 2³ one week from today (March 28, 2014). This is significantly in advance of the discovery due date for each set and will contain workpapers beyond what will be filed with FPL's direct testimony and exhibits due April 2, 2014. FPL extends this same offer to SACE. This offer will put both intervenors in a substantially better position regarding their opportunity to evaluate and respond to the TPS than they could have realistically expected based on the timing of when they served this discovery.

¹ Order No. PSC-13-0386-PCO-EU was issued on August 19, 2013.

² "With regard to FPL's response to SACE's first informal discovery request, please provide any and all documentation describing the adjustments and calculations. Please include all related reports, documentation and workpapers, in electronic machine-readable form." (Sierra Club Interrogatory No. 17)

³ "...complete copies of all documents, workpapers, and source documents related to inputs provided by FPL, or FPL specific data, utilized in the Technical Potential Study, including any drafts, along with the final Technical Potential Study report which supports FPL's analyses and filings in this docket." (SACE Production of Document Request No. 2)

5. While SACE states that it supports the Sierra Club Motion, it specifically requests only an extension of the intervenor testimony deadline to May 19, 2014. FPL does not believe that any extension is warranted for the reasons set forth above and in its response to the Sierra Club Motion. If, however, the Commission were to grant a two-week extension for the intervenor testimony then the deadline for rebuttal testimony should likewise be extended by two weeks, to June 16, 2014.⁴

Respectfully submitted this 21st day of March, 2014.

John T. Butler
Assistant General Counsel – Regulatory
Fla. Bar No. 283479
Jessica A. Cano
Principal Attorney
Fla. Bar No. 37372
Kevin I.C. Donaldson
Principal Attorney
Fla. Bar No. 833401
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5226
Facsimile: (561) 691-7135

By: s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 37372

⁴ This would require an extension of the June 10, 2014 deadline for prehearing statements, but a reasonable extension could be accommodated while maintaining the June 26, 2014 date for the prehearing conference and the current hearing dates in July.

CERTIFICATE OF SERVICE
DOCKET NO. 130199-EI

I HEREBY CERTIFY that a true and correct copy of FPL's Response in Opposition to SACE's Motion to Extend Intervenors' Filing Deadline was served by electronic delivery this 21st day of March, 2014 to the following:

Charles Murphy, Esq.
Lee Eng Tan, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
Cmurphy@psc.state.fl.us
Ltan@psc.state.fl.us

Steven L. Hall, Senior Attorney
Office of General Counsel
Florida Department of Agriculture &
Consumer Services
407 South Calhoun Street, Suite 520
Tallahassee, FL 32399
Steven.Hall@freshfromflorida.com
Attorney for DOACS

Diana A. Csank, Esq.
Sierra Club
50 F Street, N.W., 8th Floor
Washington, D.C. 20001
Diana.Csank@Sierraclub.or
Attorney for Sierra Club

Jon C. Moyle, Jr., Esq.
Karen Putnal, Esq.
Moyle Law Firm, P.A.
118 N. Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
Attorneys for FIPUG

George Cavros
Southern Alliance for Clean Energy
120 E. Oakland Park Blvd., Suite 105
Fort Lauderdale, FL 33334
(954) 295-5714 (tel)
(866) 924-2824 (fax)
george@cavros-law.com
Attorney for SACE

Alisa Coe, Esq.
David G. Guest, Esq.
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
acoe@earthjustice.org
dguest@earthjustice.org
Attorneys for SACE

James W. Brew
F. Alvin Taylor
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW, Eighth Floor,
West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
jbrew@bbrslaw .com
ataylor@bbrslaw .com
Attorneys for PCS Phosphate-White Springs

By: *Jessica A. Cano*
Jessica A .Cano
Florida Bar No. 37372