

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 130199-EI

Date: April 4, 2014

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE IN OPPOSITION TO SIERRA CLUB'S MOTION FOR LEAVE TO REPLY TO RESPONSES TO SIERRA CLUB'S MOTION TO EXTEND INTERVENORS' TESTIMONY DEADLINE**

Florida Power & Light Company ("FPL"), pursuant to Rule 28-106.204, Florida Administrative Code (F.A.C.), hereby responds in opposition to the Sierra Club's Motion for Leave to Reply to Responses to Sierra Club's Motion to Extend Intervenors' Testimony Deadline, and states:

On March 14, 2014, Sierra Club filed its Motion to Extend Intervenors' Testimony Deadline (the "Motion to Extend"). On March 21, 2014, FPL filed its Response in Opposition to Sierra Club's Motion to Extend. Gulf Power, Duke Energy, and Tampa Electric also filed responses in opposition to the Motion to Extend on March 20, 2014. On April 2, 2014, FPL, Gulf Power, Tampa Electric, Duke Energy, and Jacksonville Electric filed their Petitions for Approval of Numeric Conservation Goals, testimony and exhibits in compliance with the scheduling order establishing procedure in these dockets. On April 2, 2014, after the utilities filed their petitions and testimony, Sierra Club filed its Motion for Leave to Reply to Responses of Sierra Club's Motion (the "Motion for Leave").

Sierra Club's Motion for Leave states no good faith reason why leave to file a reply should be granted in this case. The proposed Reply that is attached as Exhibit 1 to the Motion for Leave rehashes essentially the same arguments that were made in Sierra Club's original Motion to Extend, and therefore the Motion for Leave should be denied.

Rule 28-106.204(1), F.A.C., states in pertinent part that a “written motion will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The Commission has routinely held that there is no right to reply to a response in opposition to a motion. *See, e.g., In re: Complaint of Qwest Communication Company, LLC against MCImetro Access Transmission*, Order No. PSC-11-0014-PCO-TP (January 4, 2011), applying Rule 28-106.204(1); *In re: Petition for approval to revise customer contact protocol by BellSouth Telecommunications, Inc.*, Order No. PSC-04-0636-FOF-TLI, Docket No. 031038-TL (July 1, 2004) at 4 (“the Uniform Rules of the Administrative Procedure Act do not expressly authorize replies.”); *In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies*, Order No. PSC-04-0511-PAA-TP, Docket No. 000121A-TP (May 19, 2004) at 2 (“we do not have rules which allow for a Reply to a Response”); *In re: Review of Florida Power & Light Company’s Proposed Merger with Entergy Corporation, the Formation of a Florida Transmission Company (“Florida Transco”), and Their Effect on FPL Retail Rates*, Order No. PSC-01-1930-PCO-EI, Docket No. 010944-EI, (September 4, 2001), (Commission struck an answer to FPL’s response to the South Florida Hospital and Healthcare Association’s request for clarification/reconsideration holding that “The Uniform Rules of Procedure do not authorize the movant to reply to a response.”); *In re: Adoption of Numeric Conservation Goals by Florida Power & Light Company*, Order No. PSC-98-1435-PC-EG, Docket No. 971004-EG (October 26, 1998) at 3, (Commission struck a reply to a response to a motion for a procedural order, holding that “the pleading cycle must stop at a reasonable point” and “unequivocal precedent” prohibited such replies).

For the foregoing reasons, the Motion for Leave to Reply to Responses to Sierra Club's Motion to Extend should be denied, and Sierra Club's proposed Reply that is attached as Exhibit 1 thereto should be disregarded in its entirety.

Respectfully submitted this 4<sup>th</sup> day of April, 2014.

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**CERTIFICATE OF SERVICE  
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I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery this 4<sup>th</sup> day of April, 2014 to the following:

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