

Before the
Federal Communications Commission
Washington, DC 20554

_____)
VERIZON FLORIDA LLC,)
)
Complainant,)
)
v.)
)
FLORIDA POWER AND LIGHT)
COMPANY,)
)
Respondent.)
_____)

Docket No. 15-73
File No. EB-15-MD-002

Related to
Docket No. 14-216
File No. EB-14-MD-003

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COMMISSION
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**FLORIDA POWER AND LIGHT COMPANY'S
MOTION TO ALLOW DISCOVERY AND EXTEND TIME
TO RESPOND TO VERIZON'S COMPLAINT**

Respondent Florida Power and Light Company ("FPL") respectfully submits this Motion to Allow Discovery and Extend Time to Respond to the Complaint filed by Complainant Verizon Florida LLC ("Verizon"). In support thereof, FPL states as follows.

1. Verizon filed its Complaint in this matter on March 13, 2015 (the "Complaint"). The parties are engaged in related litigation in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County. In an Order dated March 18, 2015, the Honorable John W. Thornton set the parties' case for trial in September 2015. *See* Exhibit A. The court also directed the parties "to file a joint request to expedite resolution of this matter at the FCC." *Id.* The parties are working together to draft that motion and will file it imminently. The joint motion to expedite will request that the Commission issue an order in this matter prior to the trial date set by the Florida state court.

2. In parallel with the joint motion to expedite and consistent with the relief to be sought there, FPL files this motion in an effort to help create an efficient but thorough process to develop a complete and accurate record in this proceeding.

3. The Complaint raised numerous new issues of fact and arguments as to the nature and value of the parties' joint use relationship and the benefits afforded to Verizon in that relationship. The declarations and exhibits attached to the Complaint are voluminous. FPL has had no substantive opportunity to investigate and explore Verizon's underlying factual assertions and exchange relevant information with Verizon.¹ However, based on its preliminary review to date of the Complaint, FPL believes that limited discovery will be required to respond to the specific factual assertions and analyses in the Complaint and provide a complete record for the Commission.

4. Allowing the parties to propound and serve such discovery in an expedited fashion, as the Commission allowed in Orders dated February 12, 2015 in File Nos. EB-13-MD-007, EB 14-MD-002 and EB-14-MD-008 will provide for a complete and accurate record on which the Commission can base its decision in this matter.

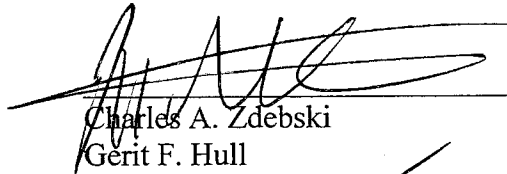
5. In order to allow for such discovery and for the parties to build an appropriate record, and also to allow FPL reasonably sufficient time to respond to Verizon's voluminous declarations and exhibits, FPL requests that the Commission extend the time for FPL to file a response to the Complaint from April 13, 2015 to June 12, 2015. A reasonable extension such as this will allow time for Verizon to file a reply and for the Commission to issue a decision prior to September 2015.

¹ Despite repeated requests by FPL to engage in the executive-level discussions required by 47 C.F.R. § 1.1404(k), Verizon refused to do so. Such discussions would at least have provided the parties a preliminary opportunity to exchange and evaluate the new facts and arguments raised in this proceeding.

6. Therefore, FPL respectfully requests that the Commission grant this Motion and allow relevant discovery in this proceeding and extend FPL's time to file a response to the Complaint through and until June 12, 2015.

7. Counsel for FPL sought to obtain the agreement of Verizon counsel to this Motion. Verizon counsel indicated that they would not be able to take a position on this motion until the joint motion to expedite was finalized.

Respectfully submitted,



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Attorneys for Florida Power and Light Company

Dated: April 1, 2015

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2015, I caused a copy of the foregoing Motion to Allow Discovery and Extend Time to Respond to Verizon's Complaint to be filed via the Federal Communications Commission's Electronic Comment Filing System and to be served on the following (service method indicated):

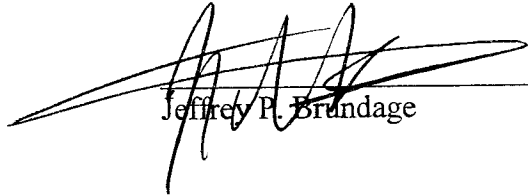
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Jeffrey P. Brundage

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION

Complex Business Litigation
CASE NO.13-14808 CA (40)

FLORIDA POWER & LIGHT,

Plaintiff(s),

v.

VERIZON FLORIDA LLC,

Defendant(s).

_____ /

ORDER SETTING TRIAL

PLEASE TAKE NOTICE that the trial of this case shall occur during the **three (3) week** trial period beginning **SEPTEMBER 8, 2015** with **Call of the Calendar** at **9:00 A.M.** **SEPTEMBER 4, 2015**. The parties estimate the trial will be completed in **3-4** days. Pursuant to Fla. R. Civ. P. 1.201 (b)(3) **continuance of the trial will be granted only upon good cause shown.**

The Final Pre-Trial Conference and Motions for Summary Judgment are scheduled on **AUGUST 26, 2015** at **11:00 A.M.** in Courtroom 10-1. The parties shall prepare in advance and provide at the pre-trial conference an updated pre-trial statement comporting with CBL Rule 9.2. The mediation shall be completed **AUGUST 21, 2015**. The stay previously granted in this matter is hereby lifted.

The parties are to file a joint request to expedite resolution of this matter at the FCC.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on
03/18/15.



JOHN W. THORNTON
CIRCUIT COURT JUDGE

No Further Judicial Action Required
on THIS MOTION
CLERK TO RECLOSE CASE IF POST
JUDGMENT

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed and stamped original Order sent to court file by Judge Thornton's staff.

Copies furnished to:

adavis@ssd.com; collins@butlerpappas.com; wschoel@butlerpappas.com