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## **Public Service Commission**

January 25, 2016

John A. Tomasino, Clerk Florida Supreme Court 500 South Duval Street Tallahassee, Florida 32399-1927

Re: Florida Industrial Power Users Group vs. Florida Public Service Commission and Florida Power & Light Company and Office of Public Counsel, FPSC Docket No. 150075-EI Supreme Court Case No. SC15-2146

Dear Mr. Tomasino:

Enclosed are the consolidated index and the Record on Appeal in the above-referenced cases. The Record on Appeal consists of four volumes and Attachments One, Two, and Three which are being forwarded for filing in the Florida Supreme Court.

Please note that Attachment Three contains confidential documents. It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.

Do not hesitate to call me should you have any questions regarding this Record on Appeal.

Sincerely,

Carlotta S Staufer Commission Clerk

Commission Clerk

CSS: amc Enclosure

cc: Jon C. Moyle, Esquire Karen A. Putnal, Esquire Samantha Cibula, General Counsel Pamela H. Page, General Counsel Diana Csank, Associate Attorney

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Tyson Slocum
John J. Truitt, Associate Public Counsel
J.R. Kelly, Public Counsel
John T. Butler, Asst. General Counsel
Maria Moncada, Principal Attorney
Kevin Donaldson, Esquire
Kenneth A. Hoffman
Anna H. Upton, Esquire
Todd F. Bohrmann

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## PSC DOCKET NO. 150075-EI

## Volume 1

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| 03/06/15 | Florida Power & Light Company's (FPL) petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay Generating Company, Limited Partnership (Cedar Bay) power purchase obligation   | 7  |
| 03/06/15 | FPL's request for confidential classification of document number 01323-15 with included redacted version   | 9  |
| 03/06/15 | FPL's confidential certain information contained in the testimony of witness Tom L. Hartman, Exhibit TLH-2, and David Herr, Exhibit DH-3, in support of petition for approval of arrangement to mitigate impact of unfavorable Cedar Bay power purchase obligation | Е  |
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| 03/30/15 | Order PSC-15-0144-PCO-EI granting intervention to FIPUG68-7  | 0  |
| 04/22/15 | Letter dated April 22, 2015, from FPL, forwarding corrected Exhibits A, B, and C which were inadvertently omitted from Exhibit TLH-2, which was filed on March 6, 201571-7   | '7 |

| 04/22/15 | FPL's confidential corrected Exhibit A which was inadvertently omitted from Exhibit TLH-2, Exhibit TLH-2 admitted as Hearing Exhibit 3  |
|----------|---|
| 04/24/15 | Memorandum dated April 24, 2015, from Martha F. Barrera, Florida Public Service Commission (Commission), Division of General Counsel, to all parties of record and interested persons advising of informal meeting to be held May 13, 2015 at 10:00 a.m., Gunter Building, Room 105, 2540 Shumard Oak Blvd, Tallahassee |
| 04/30/15 | Memorandum dated April 30, 2015, from Commission's Martha F. Barrera, to all parties of record and interested persons advising an amended notice of informal meeting to be held May 14, 2015 at 10:00 a.m., Gunter Building, Room 105, 2540 Shumard Oak Blvd, Tallahassee   |
| 05/06/15 | Memorandum dated May 1, 2015, from Commission's Martha F. Barrera, to all parties of record and interested persons advising of telephonic informal meeting to be held May 7, 2015 at 10:00 a.m., in Tallahassee   |
| 05/08/15 | Letter dated May 8, 2015 forwarding corrected Exhibits A, B, and C, which were inadvertently omitted from Exhibit DH-3, filed on March 6, 2015  |
| 05/08/15 | FPL's <u>confidential</u> corrected Exhibit A which was inadvertently omitted from Exh DH-3; Exhibit DH-3 admitted as Hearing Exhibit 8   |
| 06/05/15 | Order PSC-15-0143A-PCO-EI second order establishing procedure   |
| 06/22/15 | Florida Administrative Register (FAR) notice, to be published June 23, 2015, of prehearing and hearing; prehearing to be held July 6, 2015, in Tallahassee; hearing to be held July 28, 2015, in Tallahassee; with attached acknowledgment of submittal by Florida Administrative Code and Register                     |

| 06/22/15 | Notice of Commission hearing and prehearing: Hearing to be held July 28, 2015, at 9:30 a.m., Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee; July 29, 2015 has also been reserved for continuation of hearing if needed; prehearing conference to be held July 6, 2015 at 1:30 p.m. in Room 148, in Tallahassee   |
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| 07/02/15 | Cedar Bay's notice of limited appearance   |
| 07/06/15 | FPL's motion for official recognition of Federal Energy Regulatory Commission (FERC) order   |
| 07/08/15 | FPL's <u>confidential</u> certain information contained in the testimonies of Thomas L. Hartman and David Herr, and Exhibit TLP-3 to the testimony of Tracy L. Patterson; portion of document number admitted as Hearing Exhibit 60 ATTACHMENT THREE [Clerk Note: This confidential document, assigned document number 04275-15, has been transmitted to the upper tribunal under separate cover.] |
| 07/09/15 | FPL's rebuttal testimonies of Robert E. Barrett, Jr.; Kim Ousdahl and Exhibits KO-2 and KO-3; Ray Butts; Tracy Lee Patterson and Exhibits TLP-1 through TLP-3; Thomas L. Hartman and Exhibits TLH-5 through TLH-7; and David W. Herr [See Volume 2 for continued pages]  |
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| 07/09/15 | [Continuation of] FPL's rebuttal testimonies of Robert E. Barrett, Jr.; Kim Ousdahl and Exhibits KO-2 and KO-3; Ray Butts; Tracy Lee Patterson and Exhibits TLP-1 through TLP-3; Thomas L. Hartman and Exhibits TLH-5 through TLH-7; and David W. Herr [See Volume 3 for continued pages]  |
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| 07/09/15 | [Continuation of] FPL's rebuttal testimonies of Robert E. Barrett, Jr.; Kim Ousdahl and Exhibits KO-2 and KO-3; Ray Butts; Tracy Lee Patterson and Exhibits TLP-1 through TLP-3; Thomas L. Hartman and Exhibits TLH-5 through TLH-7; and David W. Herr   |

| 07/10/15 | Transcript of prehearing conference held July 7, 2015, in Tallahassee   |
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| 07/20/15 | Prehearing Order PSC-15-0294-PHO-EI482-502  |
| 07/21/15 | Order PSC-15-0297-PCO-EI granting FPL's motion for official recognition of the FERC Order Authorizing Proposed Transaction503-504   |
| 07/22/15 | FPL's confidential errata sheet on rebuttal testimony of David W. Herr  |
| 07/23/15 | Letter dated July 23, 2015, from FPL, with attached errata sheets to Kim Ousdahl's direct and rebuttal testimony  |
| 07/24/15 | FPL's and OPC's motion for approval of settlement agreement508-523  |
| 07/24/15 | Letter dated July 24, 2015, from Cedar Bay, advising that on reconsideration, information identified as confidential on pages 20 and 21 of Kim Ousdahl's deposition transcript is not confidential; with attached substitute pages 20 and 21 for Exhibits A and B, and substitute page 15 for Exhibit C |
| 07/28/15 | Confidential Hearing Exhibits 64, 66 and 67 for July 28, 2015, hearing held in Tallahassee  |
| 07/29/15 | Transcript of hearing, Volume 1, pages1 through 160, held July 28, 2015, in Tallahassee   |
| 07/30/15 | FAR notice, to be published July 31, 2015, of special Commission conference to be held August 27, 2015, immediately following internal affairs meeting, in Tallahassee; with attached acknowledgment of submittal by Florida Administrative Code and Register   |
| 07/30/15 | Redacted transcript of hearing, Volume 2, pages 161 through 406, held July 28, 2015, in Tallahassee   |
| 07/30/15 | Transcript of hearing, Volume 3, pages 407 through 680, held July 28, 2015, in Tallahassee  |
| 07/30/15 | Transcript of hearing, Volume 4, pages 681 through 839, held July 28, 2015, in Tallahassee  |

| 07/30/15 | Transcript of hearing confidential portion of pages 377 through 378 of Volume 2, held July 28, 2015, in TallahasseeATTACHMENT THREE [Clerk Note: This confidential document, assigned document number 04787-15, has been transmitted to the upper tribunal under separate cover.] |
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| 07/30/15 | Cedar Bay's request for confidential classification of portions of hearing transcript and official video recording533-553   |
| 07/31/15 | FIPUG's objections to joint motion for approval of settlement agreement by OPC and FPL  |
| 08/03/15 | Hearing Exhibits 1-69 for July 28, 2015, hearing held in Tallahassee  |
| 08/10/15 | Letter dated August 10, 2015, from FPL, with attached responses to Commission staff's first and second data requests  |
| 08/10/15 | Letter dated August 10, 2015, from FPL, with attached responses to FIPUG's first data request   |
| 08/12/15 | Cedar Bay's responses to FIPUG's objections to seventh, tenth, and thirteenth requests for confidential classification [See Volume 4 for continued pages]   |
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| 08/12/15 | [Continuation of] Cedar Bay's responses to FIPUG's objections to seventh, tenth, and thirteenth requests for confidential classification  |
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| 08/13/15 | FIPUG's confidential public version of post-hearing statement of issues and positions and post-hearing brief  |
| 08/13/15 | FIPUG's confidential post-hearing statement of issues and positions and post-hearing brief  |

| 08/14/15 | Cedar Bay's <u>confidential</u> portions of FIPUG's post-hearing statement of issues and positions and post-hearing briefATTACHMENT THREE [Clerk Note: This confidential document, assigned document number 05116-15, has been transmitted to the upper tribunal under separate cover.] |
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| 08/17/15 | Cedar Bay's response to FIPUG's motion to strike, as an unauthorized pleading, with attached responses to FIPUG's objections of seventh, tenth, and thirteenth requests for confidential classification   |
| 08/17/15 | Letter dated August 17, 2015, from FPL, with attached responses to Commission staff's third data request  |
| 08/19/15 | Letter dated August 19, 2015, from FPL, with attached responses to Commission staff's fourth and fifth data requests  |
| 08/21/15 | Letter dated August 21, 2015, from FPL, with attached amended response to question No. 2 in Commission staff's third data request644-647  |
| 08/27/15 | Commission vote sheet, Item No. 1, from August 27, 2015, regular Commission conference  |
| 08/28/15 | Transcript of August 27, 2015, Commission conference agenda, Item No. 1   |
| 09/23/15 | Final Order PSC-15-0401-AS-EI approving settlement between FPL and OPC  |
| 10/21/15 | FIPUG's notice of administrative appeal (of Order PSC-15-0401-AS-EI)707-720   |
| 11/23/15 | Copy of letter dated November 23, 2015, 1st District Court of Appeals (1 <sup>st</sup> DCA), order transferring cause to the Supreme Court of Florida (Supreme Court), in accordance with Florida Rule of Appellate Procedure 9.04(b)(1); FIPUG v. FPSC, et al., Case No. 1D15-4799     |