

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida Power & Light Company	Docket No. 160021-EI
In re: Petition for approval of 2016-2018 storm hardening plan, by Florida Power & Light Company	Docket No. 160061-EI
In re: 2016 depreciation and dismantlement study by Florida Power & Light Company	Docket No. 160062-EI
In re: Petition for limited proceeding to modify and continue incentive mechanism by Florida Power & Light Company	Docket No. 160088-EI Filed: May 26, 2016

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE  
TO CITIZENS' MOTION FOR EXTENSION OF FILING DATES**

Florida Power & Light Company ("FPL") responds in opposition to Citizens' Motion for Extension of Testimony Filing Dates Established By Order No. PSC-16-0182-PCO-EI (the "Extension Motion"), as follows:

1. On May 4, 2016, the Commission issued Order No. PSC-16-0182-PCO-EI ("Order 16-0182"), which consolidated the four dockets referenced above and established a staggered schedule for the parties to file testimony regarding the subject matter of those dockets. Under the staggered schedule, the intervenor and Staff direct testimony and the FPL rebuttal testimony would all be filed for the storm hardening and incentive mechanism dockets first, followed by a separate round of testimony for the rate case and depreciation/dismantlement dockets. On May 9, the Office of Public Counsel ("OPC") filed a motion for reconsideration of Order 16-0182 with respect to the staggered filing schedule, seeking to have the testimony in all four dockets filed on the same schedule. On May 23, the Commission held a special agenda conference. After hearing oral argument from the parties, the full Commission denied OPC's motion for reconsideration. Now, two days later, OPC's Extension Motion was asked the

prehearing officer to establish the exact same single filing schedule for all four dockets that was denied by the full Commission.

2. FPL opposes the Extension Motion. As FPL explained at the special agenda conference, the staggered filing schedule is a reasonable response to challenging deadline issues in this proceeding. It is a workable and appropriate way to share the burden of unavoidably tight deadlines.<sup>1</sup>

3. Contrary to OPC's representations at the special agenda conference, FPL never agreed that a single filing schedule should apply to all four consolidated dockets. The April 5 informal meeting described in Paragraph 4 of the Extension Motion was noticed only in the rate case docket, and the agreement on a filing schedule that resulted from that meeting applied only to rate case testimony. That April 5 meeting took place well before the April 15 filing of FPL's Petition for Limited Proceeding to Modify Incentive Mechanism in Docket No. 160088-EI and also before the April 22 filing by Staff of its Motion to Consolidate Dockets<sup>22</sup>. FPL did not consent to the application of the rate case filing schedule to testimony in the other three dockets, prior to or after the filing of the Motion to Consolidate Dockets.

4. Toward the end of the special agenda conference, Commissioner Edgar (as prehearing officer for the consolidated dockets) commented on a potential modification to the schedule in Order 16-0182 that would provide OPC and other intervenors more time to file their direct testimony in the storm hardening and incentive mechanism dockets. Specifically, she mentioned that the deadline for such testimony could be moved from May 31 to June 10, with the deadline for FPL's rebuttal testimony moved from July 5 to July 8. FPL would have no

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<sup>1</sup> FPL notes that in its 2012 rate case, it was provided 29 days to file rebuttal testimony in one docket, the rate case. Order No. PSC-12-0143-PCO-EI, Docket No. 120015-EI, dated March 26, 2012. Here, OPC seeks to require FPL to file rebuttal testimony in less time, 25 days, in four dockets.

objection to that modification, even though it would result in FPL losing a week of the time it currently has under Order 16-0182 to prepare and file rebuttal testimony in those dockets. FPL also notes that, per its commitment at the special agenda conference, it served the responses to OPC's April 27 incentive mechanism discovery on May 23 and the responses to OPC's May 6 storm hardening discovery on May 24. The additional ten days provided under the proposed schedule modification, together with the early availability of discovery responses, would give OPC more than adequate time to prepare its direct testimony on the storm hardening and incentive mechanism issues.

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**CERTIFICATE OF SERVICE**

**Docket No. 160021-EI**

**(Consolidated)**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 26th day of May 2016 to the following parties:

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