

**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: August 18, 2016

**FLORIDA POWER & LIGHT  
COMPANY'S MOTION FOR OFFICIAL RECOGNITION**

Florida Power & Light Company, pursuant to Section 120.569(2)(i), F.S., Rule 28-106.213, F.A.C. and Order No. PSC-16-0125-PCO-EI, hereby requests that the Florida Public Service Commission ("Commission") take official recognition of the orders identified in Schedule A, attached hereto.

1. This matter is scheduled for evidentiary hearing beginning on August 22, 2016. Pursuant to the Commission's Order Establishing Procedure, Order No. PSC-16-0125-PCO-EI, FPL hereby provides notice in writing to all parties and Commission staff no later than two business days prior to the first scheduled hearing date that it seeks official recognition of certain orders issued by the Commission. Specifically, FPL seeks official recognition of orders identified in the attached Schedule A.

2. Because the orders identified in Schedule A are readily available to all parties, FPL does not attach copies of them here. *See* Order No. PSC-16-0125-PCO-EI (materials must be provided only to the extent not readily available to parties).

3. Pursuant to Sections 90.201 through 90.203, Florida Statutes, Rule 28-106.213, F.A.C., and this Commission's Order Establishing Procedure, the materials identified by FPL are matters that the Commission may officially recognize.

4. The Commission may officially recognize its own orders pursuant to Section 90.202(5) ("A Court may take judicial notice of . . . official actions of the legislative, executive, and judicial departments of the United States and of any state, territory, or jurisdiction of the United States."). *See also* Rule 28-106.213(6), F.A.C. (Requests for official recognition shall be . . . considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S.).

5. In addition, the Commission's Order Establishing Procedure states that "[t]he Commission will recognize Florida Statutes, Commission Rules, and Commission orders."

6. FPL files this motion out of an abundance of caution to ensure that it has preserved its right to cite or rely upon the Commission orders listed on Schedule A in an appellate brief, in the event any party appeals an order issued in this proceeding. FPL finds Florida appellate law unclear as to whether an administrative agency must have officially recognized its prior orders for those orders to be properly cited in appellate briefs. *See, e.g., Mobley v. State*, 143 So. 2d 821 (Fla. 1962), *Teer v. Florida Parole Com.*, 1990 Fla. App. LEXIS 8735 (Fla. 1st DCA 1990), *Poirier v. Division of Health, State, Dep't of Health & Rehabilitative Serv.*, 351 So. 2d 50 (Fla. 1st DCA 1977); *also* § 90.204(3), Fla. Stat. FPL does not intend to argue that official recognition is required in order to cite Commission orders in any post-hearing briefs filed with this Commission. Nor does FPL intend to disrupt this Commission's practice of recognizing its orders without the need for a motion. In short, FPL will not object to other parties' citation to Commission orders even if official recognition was not requested.

7. The materials identified on Schedule A will assist the Commission and all parties in understanding the testimony of FPL witnesses in these consolidated proceedings.

8. FPL contacted all parties in this docket via email to inquire whether the parties have any objection to FPL's motion. Counsel for Office of Public Counsel, the Florida Industrial Power Users Group, AARP, the South Florida Hospital and Healthcare Association, Walmart, the Federal Executive Agencies, the Larsons and Florida Retail Federation have advised that they object to the relief requested. FPL has not received a position from Sierra Club.

WHEREFORE, for the reasons stated above, FPL requests that the Commission take official Recognition of the Commission orders identified herein.

Respectfully submitted this 18th day of August 2015.

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By: s/ Maria J. Moncada  
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**CERTIFICATE OF SERVICE**

**Docket Nos. 160021-EI, 160061-EI, 160062-EI and 160088-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail on this 18th day of August 2016 to the following:

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## SCHEDULE A

Order No. 5278	PSC-96-1367-FOF-EI	PSC-10-0458-PAA-EI
Order No. 6357	PSC-96-1421-FOF-EI	PSC-11-0082-PAA-EI
Order No. 9599	PSC-97-0262-FOF-EI	PSC-11-0083-FOF-EI
Order No. 9628	PSC-99-0073-FOF-EI	PSC-11-0089-S-EI
Order No. 9864	PSC-99-0505-PCO-EG	PSC-11-0103-FOF-EI
Order No. 9974	PSC-00-0915-PAA-EG	PSC-11-0293-FOF-EU
Order No. 13537	PSC-00-1744-PAA-EI	PSC-11-0553-FOF-EI
Order No. 13948	PSC-02-0055-PAA-EI	PSC-12-0179-FOF-EI
Order No. 10306	PSC-02-0501-AS-EI	PSC-12-0187-FOF-EI
Order No. 10557	PSC-02-0655-AS-EI	PSC-12-0425-PAA-EU
Order No. 11307	PSC-02-0787-FOF-EI	PSC-12-0613-FOF-EI
Order No. 11437	PSC-03-0260-PAA-GU	PSC-13-0023-S-EI
Order No. 11498	PSC-03-1348-FOF-EI	PSC-13-0443-FOF-EI
Order No. 11628	PSC-05-0902-S-EI	PSC-13-0505-PAA-EI
Order No. 12348	PSC-05-0937-FOF-EI	PSC-13-0606-FOF-EI
Order No. 12883	PSC-05-1251-FOF-EI	PSC-13-0639-PAA-EI
Order No. 12923	PSC-06-0144-PAA-EI	PSC-13-0665-FOF-EI
Order No. 13537	PSC-06-0464-FOF-EI	PSC-14-0590-FOF-EI
Order No. 14546	PSC-06-0781-PAA-EI	PSC-14-0643-FOF-EI
Order No. 15451	PSC-06-0972-FOF-EI	PSC-14-0696-FOF-EU
Order No. 17159	PSC-07-0240-FOF-EI	PSC-15-0038-FOF-EI
Order No. 18043	PSC-07-0442-TRF-EI	PSC-15-0284-FOF-EI
Order No. 18259	PSC-07-0468-FOF-EI	PSC-15-0331-PAA-EG
Order No. 22747	PSC-07-1023-FOF-EI	PSC-15-0384-CO-EG
Order No. 23573	PSC-08-0327-FOF-EI	PSC-15-0401-AS-EI
Order No. 24741	PSC-08-0414-TRF-EI	PSC-15-0536-FPF-EI
PSC-92-1197-FOF-EI	PSC-08-0491-PAA-EI	PSC-15-0586-FOF-EI
PSC-93-1808-FOF-EI	PSC-08-0518-FOF-EI	PSC-16-0032-FOF-EI
PSC-94-0147-FOF-PU	PSC-08-0591-FOF-EI	PSC-16-0125-PCO-EI
PSC-94-0393-FOF-EI	PSC-09-0024-FOF-EI	PSC-16-0182-PCO-EI
PSC-94-1199-FOF-EI	PSC-09-0283-FOF-EI	PSC-16-0293-CO-EI
PSC-95-0340-FOF-EI	PSC-10-0131-FOF-EI	
PSC-96-0468-FOF-EI	PSC-10-0153-FOF-EI	