

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

BELLSOUTH TELECOMMUNICATIONS,*
LLC D/B/A AT&T FLORIDA *

Complainant, *

v. *

FLORIDA POWER & LIGHT
COMPANY, *

Respondent. *

Proceeding No. 19-187
Bureau ID No.: EB-19-MD-006

COMMISSION
CLERK

2019 SEP -6 AM 9:41

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**CONSENT EMERGENCY MOTION FOR ADJUSTMENT OF
DEADLINE TO FILE AND SERVE ANSWER**

Pursuant to Rule 1.46, Respondent, Florida Power & Light Company (“FPL”), by and through its attorneys, respectfully submits this consent emergency motion requesting a ten (10) day extension, subject to potential storm restoration exigencies, to file and serve its answer to the complaint of BellSouth Telecommunications, LLC d/b/a AT&T Florida (“AT&T”). In further support hereof, FPL states as follows.

1. On July 1, 2019, AT&T filed the complaint in this matter. On July 15, 2019, the Federal Communications Commission (the “Commission” or “FCC”) adopted the parties’ Unopposed Motion for Adjustment of Deadlines and required FPL to file and serve its answer to the complaint by September 6, 2019. *See* Letter Adopting Unopposed Motion for Adjustment of Deadlines, Proceeding No. 19-187, Bureau ID No. EB-19-MD-006 (filed July 15, 2019).

2. The Commission’s complaint procedure rules allow for motions for extensions of time. *See* 47 C.F.R. § 1.46 & § 1.729.

3. Currently, the state of Florida lies directly in the path of Hurricane Dorian, which is expected to make landfall as a Category 3 hurricane on or around September 2, 2019. *See, e.g.,* The Weather Channel, <https://weather.com> (last visited Aug. 29, 2019). The Governor of Florida has declared a state of emergency and instructed all Floridians to prepare for the impact of Dorian. *Id.*

4. Hurricane Dorian's expected landfall and the declared state of emergency have already impacted FPL and FPL's employees, including key operations, business and law department personnel essential to preparing FPL's answer and supporting affidavits and documentation. Many have already been activated for storm duty, a responsibility which requires deployment, dedicated service in a control center and/or other commitments to assist potentially affected areas within FPL's service territory. These individuals are critical to keeping the electric power on in the state of Florida, and depending on the severity of the storm, may be critical to storm and power restoration work and thus unavailable for an additional period of time. These individuals are also occupied in an attempt to take emergency preparedness measures in their personal lives for their families and their homes.

8. Given FPL's and its counsel's need to work extensively with these individuals in preparing FPL's answer and supporting affidavits and documentation through and until September 6, and given the looming threat of Hurricane Dorian to the state of Florida, it is impossible for FPL to respond fully and properly to AT&T's complaint under the current response deadline.

9. Therefore, FPL requests that the current deadline to file and serve its answer be adjusted by 10 days, from September 6, 2019, to September 16, 2019, subject to potential storm restoration exigencies. Counsel for FPL has conferred with counsel for AT&T regarding this

emergency motion and counsel for AT&T has indicated that it consents to FPL's requested relief. In addition, FPL and AT&T agree to a reciprocal extension of time for AT&T's deadline to file its reply from October 18, 2019 to October 30, 2019.

10. These proposed adjustments should not impact the target deadline for final action on the complaint. By letter order dated July 15, 2019, and with the consent of the parties, the Commission extended the 270 day deadline for final action on the Complaint by 45 calendar days, or until May 11, 2019. The adjusted schedule proposed above still allows sufficient time for the Commission to resolve the complaint after the conclusion of all discovery and briefing.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT, LLC

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CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2019, I caused a copy of the foregoing Consent Emergency Motion for Adjustment of Deadline to File and Serve Answer to be served on the following by hand delivery, U.S. mail or electronic mail (as indicated):

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