

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Florida Power & Light Company.	DOCKET NO. 20210015-EI DATED: JULY 23, 2021
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FIT'S REQUEST FOR ORAL ARGUMENT ON MOTION TO COMPEL

Florida Internet and Television, Inc. ("FIT"), pursuant to Rule 25-22.058, Florida Administrative Code, hereby requests that the Commission allow oral argument on FIT's contemporaneously-filed Motion to Compel Discovery from FPL be held on August 2, 2021 on the same day and at the same time as the Prehearing Conference in this proceeding.

FIT believes that oral argument will aid the Commission in comprehending the issues raised in the Motion, and, importantly, in resolving the Motion in time to provide FIT meaningful discovery under the expedited schedule in the proceeding.

FIT moved to intervene in this proceeding on June 30, 2021, and on the next day, July 1, 2021, served Florida Power & Light Company ("FPL") with FIT's first set of interrogatories and first set of document requests. On July 8, 2021, FIT served FPL with a Second Set of interrogatories and document requests. FIT served its discovery immediately in recognition that the discovery cut off in the proceeding was August 6, 2021 (subsequently it was extended to August 9, 2021). FIT's intervention raised for the first time in this proceeding the impact of FPL's rates charged for attachment to its distribution utility poles, which are reflected in FPL's projection of revenues in its affirmative case in this proceeding. Despite that fact that FIT's members are all both FPL electric ratepayers and attachers to FPL poles, FPL opposed FIT's intervention, arguing that FPL's pole attachment rates are not relevant in this proceeding and that FIT's intervention should be limited to non-pole attachment issues. On July 13, 2021, the Prehearing Officer rejected FPL's opposition, issuing an order granting FIT's intervention, without condition.

On July 20, 2021, 21 days after being served, FPL filed objections to both FIT's First and Second Set of interrogatories and document requests. On July 22, 2021, counsel for FIT had a conference with counsel for FPL, Ms. Maria Moncada, to discuss FPL's objections to FIT's discovery. Based on that meeting between counsel, it is counsel for FIT's understanding that FPL will be responding to all but two interrogatories. However, counsel for FPL also communicated that FPL takes the position that that its responses to interrogatories and production of documents is not due until August 9, 2021—the last day of discovery in this proceeding.

As fully set forth in FIT's Motion to Compel, FPL's position regarding the calculation of the due date for its discovery is not valid, and even if it were, at a minimum, it is necessary for the Prehearing Officer to order FPL to respond by August 3, 2021 to assure just, speedy, and efficient discovery.

Oral argument on August 2, 2021 is appropriate for at least two reasons. First, FPL's argument regarding discovery dates in relation to party status, and particularly in light of FPL's ability to drag out, without justification, resolution of an intervention petition, raises important questions. Oral argument will assist in making clear the relevancy of FIT's discovery requests. Second, oral argument on August 2, 2021 is appropriate in light of the schedule in this proceeding. With the discovery cut off set for August 9, 2021, any delay in resolving FIT's Motion to Compel will deprive FIT of the ability to meaningfully review FPL's production and explore it in deposition of FPL's witnesses, for example, which FIT has noticed for August 5 and 6. Thus, holding oral argument on August 2, 2021 will facilitate expedited resolution of the discovery dispute.

Accordingly, the Prehearing Officer should schedule oral argument on FIT's Motion to Compel for August 2, 2021.

Respectfully submitted,

/s/ Floyd R. Self

Floyd R. Self, B.C.S. (Fla. Bar No. 608025)
Berger Singerman LLP
313 North Monroe Street, Suite 301
Tallahassee, Florida 32301
Direct Telephone: (850) 521-6727
Email: fself@bergersingerman.com

and

T. Scott Thompson
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue NW, Suite 900
Washington, DC 20004
Telephone: (202) 434-7440
Email: SThompson@mintz.com

*Attorneys for Florida Internet and Television
Association, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing has been served by electronic mail to the following on this 23rd day of July, 2021:

Bradley Marshall Jordan Luebkemann 111 S. Martin Luther King Jr. Blvd. Tallahassee, Florida 32301 On behalf of Florida Rising, Inc., League of Latin American Citizens of Florida and Environmental Confederation of Southwest Florida bmarshall@earthjustice.org jluebkemann@earthjustice.org	Kenneth A. Hoffman Florida Power & Light Company 134 W. Jefferson Street Tallahassee, Florida 32301 kenneth.hoffman@fpl.com
Thomas Jernigan Major Holly Buchanan Captain Robert Friedman TSgt. Arnold Braxton Ebony Payton Scott Kirk Federal Executive Agencies 139 Barnes Drive, Suite 1	Wade Litchfield John Burnett Maria Moncada Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 3408-0420 wade.litchfield@fpl.com john.t.burnett@fpl.com

<p>Tyndall AFB, Florida 32403 thomas.jernigan.3@us.af.mil holly.buchanan.1@us.af.mil robert.friedman.5@us.af.mil arnold.braxton@us.af.mil ebony.payton.ctr@us.af.mil ULFSC.Tyndall@us.af.mil scott.kirk.2@us.af.mil</p>	<p>maria.moncada@fpl.com</p>
<p>Richard Gentry Patricia A. Christensen Anastacia Pirrello Office of Public Counsel 111 W. Madison Street, Room 812 Tallahassee, Florida 32399 Gentry.richard@leg.state.fl.us Christensen.patty@leg.state.fl.us pirrello.anastacia@leg.state.fl.us</p>	<p>Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, FL 32301 On behalf of Florida Industrial Users Group jmoyle@moylelaw.com kputnal@moylelaw.com mqualls@moylelaw.com</p>
<p>George Cavros Southern Alliance of Clean Energy 120 E. Oakland Park Blvd. Suite 105 Fort Lauderdale, Florida 33334 george@cavros-law.com</p>	<p>Russell A. Badders Gulf Power Company One Energy Place, Bin 100 Pensacola, FL 32520 Russell.badders@nexteraenergy.com</p>
<p>James W. Brew Laura W. Baker Joseph Briscar Stone Law Firm 1025 Thomas Jefferson Street NW Suite 800 West Washington, DC 20007 On behalf of Florida Retail Federation jbrew@smxblaw.com lwb@smxblaw.com jrb@smxblaw.com</p>	<p>William C. Garner Law Office of William C. Garner, PLLC 3425 Bannerman Road Unit 105, #414 On behalf of The Cleo Institute Inc. Tallahassee, FL 32312 bgarner@wcglawoffice.com</p>
<p>Katie Chiles Ottenweller Vote Solar 838 Barton Woods Road Atlanta, GA 30307 katie@votesolar.org</p>	<p>Nathan A. Skop 420 NW 50th Blvd. Gainesville, Florida 32607 On behalf of Daniel R. and Alexandria Larson n_skop@hotmail.com</p>

<p>Stephanie U Eaton Spilman Thomas & Battle, PLLC 110 Oakwood Drive, Suite 500 Winston-Salem, NC 27103 seaton@spilmanlaw.com</p>	<p>Robert Scheffel Wright John T. Lavia, III Gardner Law Firm 1300 Thomaswood Dr. Tallahassee, FL 32308 On behalf of Floridians Against Increased Rates, Inc. schef@gbwlegal.com jlavia@gbwlegal.com</p>
<p>Barry A. Naum Spilman Thomas & Battle, PLLC 1100 Bent Creek Blvd. Suite 101 Mechanicsburg, PA 17050 On behalf of Walmart, Inc. bnaum@spilmanlaw.com</p>	<p>Christina I. Reichert Earth justice 4500 Biscayne Blvd., Ste. 201 Miami, FL 33137 On behalf of League of United Latin Citizens of Florida Environmental Confederation of Southwest Florida Florida Rising creichert@earthjustice.org flcaseupdates@earthjustice.org</p>
<p>Bianca Yva Faustin Lherisson Shaw Philip Stiller Suzanne Smith Brownless Special Counsel, Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 blheriss@psc.state.fl.us sstiller@psc.state.fl.us sbrownle@psc.state.fl.us</p>	

/s/ Floyd R. Self
 Floyd R. Self