

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**IN RE: FLORIDA POWER AND LIGHT COMPANY
FLORIDA ENERGYSECURE LINE PROJECT
NATURAL GAS PIPELINE SITING
APPLICATION NO. NG09-02**

**DOAH CASE NO. 09-4151
DEP OGC CASE NO. 09-3259**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
STATUS REPORT AND MOTION TO KEEP CASE IN ABEYANCE**

The State of Florida Department of Environmental Protection ("DEP") hereby files this status report and motion to request that the case be kept in abeyance for one additional year from the date of this filing. In support of the motion, DEP states as follows.

1. Pursuant to Section 403.941(2)(a)9, F.S., the Public Service Commission ("PSC") is one of the agencies responsible for issuing an agency report within 60 days after the application is determined sufficient. Pursuant to Section 403.9422, F.S., the determination of need by the PSC is a condition precedent to the conduct of the certification hearing.

2. On October 28, 2009, as outlined in PSC Order No. 09-0715-FOF-EI, the PSC denied FPL's petition and ordered FPL to "renew its request for proposals to fulfill its identified gas transportation needs."

3. As a result of the above PSC Order, on January 29, 2010 the Department requested that the case be placed in abeyance for a time period of up to one year. This request was premised (in part) on the assertion that the change would "... allow FPL sufficient time to promptly, and in good faith, renew its request for proposals in time to put together the requisite package and seek the necessary approval from the PSC."

4. On February 1, 2010, an Order was entered Altering Time Limits, Cancelling Hearing, and Placing Case in Abeyance for a period of up to one year.

5. On February 1, 2011, FPL filed its Second Status Report, enumerating its efforts to comply with the PSC's Order, giving proposed dates relating to the PSC requirements for requests for proposals (RFPs), a proposed date to file a Need Determination with the PSC, and to reinitiate the Natural Gas Pipeline Site Application ("NGPSA") process, which is currently being held in abeyance.

6. In its Second Status Report, FPL asserts that it should be in a position to file a petition for a Need Determination with the PSC within one more year (January, 2012). Further, and more relevant to this process, FPL asserts that it would also be in a position to reinitiate the Natural Gas Pipeline Site Application ("NGPSA") process which is currently being held in

abeyance within that timeframe. When the NGPSA process is reinitiated, DEP and FPL, with the concurrence of the parties, would draft a third proposed schedule for this matter.

7. I have provided electronic copies of this motion to the parties on the certificate of service, and attempted to consult with those parties to this proceeding.

The following parties concur with the motion: Florida Power and Light.

The following parties take no position on the motion: Seminole County.

The following parties do not object to the motion: Treasure Coast Regional Planning Council, St. Lucie County, Brevard County, Department of Agriculture and Consumer Services, Putnam County, St. Johns River Water Management District, Northeast Florida Regional Planning Council, East Central Florida Regional Planning Council, Palm Beach County, South Florida Water Management District, Flaglar County and, Florida Department of State - Division of Historical Resources.

The following parties do not object, and includes a statement or request: Orange County does not object to the motion provided that the proceeding is stayed for a time certain such as 1 year.

The following parties had no comment regarding the motion: City of Palm Coast, City of Cocoa.

No parties objected to the motion.

WHEREFORE, DEP respectfully requests that the ALJ toll the time for further sufficiency review and agency reports, and place the case into abeyance for a period of up to one year.

I hereby certify that a true and correct copy of the foregoing has been furnished via **ELECTRONIC MAIL ONLY** to the persons on the attached service list this **4th** day of **February**, 2011.

/s/ Toni Sturtevant

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**FPL Florida EnergySecure Line Project
DOAH Case No. 09-4151
SERVICE LIST**

Updated 01-27-10

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