

M E M O R A N D U M

JANUARY 12, 1995

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10:30
PSC-RECORDS/REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BROWN) MCB

RE: DOCKET NO. 941101-EQ - PETITION OF FLORIDA POWER CORPORATION FOR DETERMINATION THAT ITS PLAN FOR CURTAILING PURCHASES FROM QUALIFYING FACILITIES IN MINIMUM LOAD CONDITIONS IS CONSISTENT WITH RULE 25-17.086, F.A.C.

0071-Pco

Attached is an ORDER DENYING MOTION FOR CONTINUANCE AND GRANTING EXTENSION OF TIME TO FILE TESTIMONY to be issued in the above-referenced docket. (Number of pages in Order - 3)

MCB/js
Attachment
cc: Division of Electric and Gas
I:941101OC.MCB

MUST BE FILED TODAY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for) DOCKET NO. 941101-EQ
determination that its plan for) ORDER NO. PSC-95-0071-PCO-EQ
curtailing purchases from) ISSUED: January 12, 1995
qualifying facilities in minimum)
load conditions is consistent)
with Rule 25-17.086, F.A.C., by)
FLORIDA POWER CORPORATION.)

ORDER DENYING MOTION FOR CONTINUANCE
AND GRANTING EXTENSION OF TIME TO FILE TESTIMONY

On December 21, 1994, Orlando Cogen Limited (OCL), an intervenor in this case, filed a Motion for Continuance or, in the Alternative, Motion for Extension of time to file testimony. On January 4 and 6, 1995, two other intervenors, Pasco Cogen, Ltd. (Pasco) and Lake Cogen, Ltd. (Lake), joined in OCL's motion.

The intervenors ask that the hearing scheduled for May 8-9, 1995 be continued, because they need to conduct extensive discovery in the case, and believe that they will have to engage in several "rounds" of discovery requests to adequately analyze Florida Power Corporation's (FPC) curtailment plan and prepare their case. They claim that the May hearing will not give them enough time to do that. They state that delay would not prejudice FPC, because the case could still be decided before FPC's next low load period in the Fall of 1995. The motions do not indicate that the intervenors contacted FPC to determine whether or not FPC objects to the continuance, but FPC has not filed a response.

This case does involve some complex issues, but the parties have already had a month to prepare. Certainly four more months should be ample time to conduct discovery and analyze the issues, particularly if all parties cooperate to resolve disputes and conduct discovery efficiently. It should also be noted that the Order on Procedure issued in this case limits interrogatories and requests for production of documents to 100 each, including subparts. Also, given the Commission's congested hearing schedule, it is not at all certain that the case could be concluded by next Fall if the hearing is rescheduled. For these reasons the hearing dates will not be continued. The Motion for Continuance is denied.

Upon review of the case schedule, it does appear that the schedule can accommodate an extension of time to file testimony, and therefore the Motion for Extension of Time to File Testimony will be granted. The new dates for filing testimony are:

DOCUMENT FILED DATE

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FILED IN THE OFFICE OF THE CLERK

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Petitioner's Testimony	-	February 20, 1995
Staff and Intervenor Testimony	-	March 20, 1995
Rebuttal Testimony	-	April 10, 1995

All other dates established in the Order on Procedure, Order No. PSC-94-1523-PCO-EQ remain in effect.

By ORDER of Chairman Susan F. Clark, as Prehearing Officer, this 12th day of January, 1995.



SUSAN F. CLARK, Chairman and
Prehearing Officer

(S E A L)

MCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060,

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Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.