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March 29, 1995

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U. S. District Court
FILE COPY

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
101 East Gaines Street
Tallahassee, Florida 32399

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.

Dear Ms. Bayo:

ACK ✓ Enclosed for filing and distribution are the original and 15
APR ___ copies of the Stipulated Motion for Extension of Time to File
Testimony.

APR ___ Please acknowledge receipt of the above on the extra copy
COP ___ enclosed herein and return it to me. Thank you for your
COP ___ assistance.

Yours truly,

Joseph A. McGlothlin
Joseph A. McGlothlin

Futrell

DA'S

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Enclosures

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DOCUMENT NUMBER-DATE

03284 MAR 29 95

FPSC-RECORDS/REPORTING

In re: 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.)	DOCKET NO. 941101-EQ
)	FILED: March 29, 1995
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**STIPULATED MOTION FOR EXTENSION
OF TIME TO FILE TESTIMONY**

Orlando CoGen Limited (OCL), through its undersigned counsel, files its stipulation with Florida Power Corporation (FPC) and moves for an order extending the deadlines for the filing of OCL's direct testimony and FPC's rebuttal to OCL's testimony to April 7 and May 2, 1995, respectively. In support, OCL states:

1. In support of its proposed curtailment plan, FPC has submitted analyses of production costs during curtailment periods that FPC derived from the application of the Unit Commit computer program to FPC system data. OCL wishes to evaluate FPC's analyses and, if warranted, to sponsor testimony regarding its evaluation, perhaps including the results of alternative applications of the program. To do this, OCL's consultant must have the Unit Commit software and the system data underlying FPC's assertions.

2. OCL first sought discovery of Unit Commit in December 1994. FPC asserted the proprietary privilege of the program's vendor, and the confidentiality of data specific to its system costs.

3. In a Motion for Extension filed on March 1, 1995, OCL described the steps it had taken to obtain the permission of the

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FPSC-RECORDS/REPORTING

owner of the Unit Commit program, ABB Systems, to obtain Unit Commit from FPC. In that pleading, OCL also said it was encouraged to believe that, after extended negotiations, FPC and OCL would be able to enter into a mutually acceptable confidentiality agreement without involving the Commission. Based on its best assessment at the time, OCL asked the Commission to extend the time for filing OCL's testimony until April 3. OCL reserved the right to request additional relief - including a continuance of the hearing - if it did not receive information through discovery in time to enable OCL to protect its interests. The Commission granted the Motion. Order No. PSC-95-0310-PCO-EQ.

4. After extensive negotiations, OCL and FPC finalized a confidentiality agreement during the period between March 13 and March 20, 1995. FPC delivered to OCL a tape cartridge containing Unit Commit information and several files of data on March 17, 1995.

5. The consultant whom OCL has engaged to perform the hands-on work with FPC's Unit Commit program is Ken Slater. The electronic format in which FPC delivered the Unit Commit program and related data is employed by FPC in its use of FPC's IBM mainframe computer, and is incompatible with Mr. Slater's personal computer (PC) facilities. Thus, it was necessary for Mr. Slater to expend time in having the information translated and re-formatted into a disk in ASCII (PC) format that he could employ on his computer. As a practical matter, he was first able to attempt to manipulate the Unit Commit program on his computer during the weekend of March 24-26. However, after numerous attempts, he found

that he was unable to run the program. He deduced that there was a problem with the information on his disk.

7. OCL related the situation to FPC during the status conference on Monday, March 27. On March 28, FPC authorized a telephone conference in which Mr. Slater spoke directly to the FPC employee who downloaded the information onto the cartridge that was delivered to OCL. They determined that Mr. Slater's version did not contain all of the program source codes necessary to run the program.¹

8. OCL asked FPC to provide the complete file of information overnight. FPC agreed. Based on the delays OCL had encountered, OCL also asked FPC to stipulate to an extension of time to file testimony. After discussions, FPC agreed to an extension for OCL's testimony to and including April 7, 1995, and OCL agreed to an extension for FPC's rebuttal to and including May 2, 1995.

9. Notwithstanding OCL's diligent, earnest efforts to conduct discovery and prepare its case, circumstances have arisen which require that OCL be given a modest extension of four days to prepare its testimony. Without that extension, OCL will be unable to participate fully in the resolution of some of the central issues in this case.² Denial of the motion for an extension would prejudice OCL severely.


¹ At the time of the call, neither individual could explain why Mr. Slater's copy of Unit Commit was deficient. Based on preliminary information received later, it appears that the problem may have arisen when the mainframe tape was translated into a PC format.

² Depending on the results of Mr. Slater's analysis, his findings may bear on the testimony of other OCL witnesses.

10. OCL and FPC have arrived at an agreement that meets their respective needs in a way that does not affect the existing schedule for the prehearing conference or the evidentiary hearing in this case.

12. OCL is authorized to represent that FPC agrees with the revised filing dates sought in this motion. OCL has also attempted to contact all Intervenor in this docket and is authorized to represent that the following Intervenor have no objection to this motion: Pasco Cogen, Dade County, Montenay-Dade, Polk Power, Auburndale, Ridge, Tiger Bay and Pinellas. OCL has been unable to reach counsel for Pasco County.

WHEREFORE, OCL requests the Commission to enter an order extending the deadlines for the direct testimony of OCL and the rebuttal testimony of FPC to and including April 7, 1995 and May 2, 1995, respectively.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Stipulated Motion for Extension of Time to File Testimony has been furnished by hand delivery*, Federal Express**, or by U.S. Mail to the following parties of record, this 29th day of March, 1995.

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