

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa Electric Company d/b/a Peoples Gas System for determination that rate structure of Withlacoochee River Electric Cooperative, Inc. is discriminatory, interferes with approved energy conservation programs, and is contrary to the legislative intent of the Florida Energy Efficiency and Conservation Act.

DOCKET NO. 011622-EG
ORDER NO. PSC-01-2544-PCO-EG
ISSUED: December 31, 2001

ORDER GRANTING AGREED MOTION FOR EXTENSION OF TIME TO FILE MOTION TO DISMISS

On December 5, 2001, Peoples Gas System filed a petition alleging that the rate structure of Withlacoochee River Electric Cooperative (WREC) is discriminatory in certain respects. The Petition did not request a hearing. Peoples provided WREC with a courtesy copy of the Petition on December 6, 2001.

On December 21, 2001, WREC filed an Agreed Motion For Extension of Time to File Motion to Dismiss. In its Motion, WREC explains that under Rule 28-106.204(2), Florida Administrative Code, a motion to dismiss a petition must be filed no later than 20 days after service of the petition, which would require WREC to file a motion to dismiss by December 31, 2001. Counsel for WREC in this proceeding was retained on December 19, 2001.

Counsel for WREC requests seven additional days to file a motion to dismiss, in light of the holiday season. Counsel for WREC states that he is authorized by Peoples to represent that Peoples does not object to the seven day extension.

Given that Peoples agreed to the extension, I find that Peoples will not be prejudiced by the extension. I also find that under the circumstances, WREC has shown good cause for the extension. The seven day extension to file a motion to dismiss is

DOCUMENT NUMBER-DATE

16185 DEC 31 01

FPSC-COMMISSION CLERK

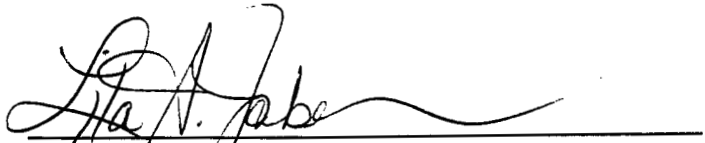
ORDER NO. PSC-01-2544-PCO-EG
DOCKET NO. 011622-EG
PAGE 2

therefore granted. If WREC wishes to file a motion to dismiss, it must do so by January 7, 2002.

Based on the foregoing, it is

ORDERED by Lila A. Jaber, as Prehearing Officer, that Withlacoochee River Electric Cooperative's Agreed Motion For Extension of Time to File Motion to Dismiss is granted.

By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer, this 31st day of December, 2001.


LILA A. JABER
Commissioner and Prehearing Officer

(S E A L)

MKS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

ORDER NO. PSC-01-2544-PCO-EG

DOCKET NO. 011622-EG

PAGE 3

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 25-22.0376, 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 the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.