

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 050001-EI  
ORDER NO. PSC-05-1014-PCO-EI  
ISSUED: October 19, 2005

ORDER GRANTING MOTION TO FILE TESTIMONY  
ONE DAY OUT OF TIME

On October 6, 2005, AARP filed a Motion to File Testimony One Day Out of Time. No party filed a response to AARP's motion.

AARP states that pursuant to Order No. PSC-05-0281-PCO-EI, issued March 15, 2005, the intervenors' direct testimony and exhibits were due on October 3, 2005. According to the Motion, on the afternoon of October 3, 2005, counsel for AARP attempted to electronically file the prefiled testimony of AARP witness Stephen A. Stewart, not recognizing that prefiled testimony was not a document eligible for electronic filing with the Commission. Counsel for AARP further states that he simultaneously electronically copied by email all the parties to this docket with the electronic filing and testimony. Counsel for AARP asserts that, upon notification from the Commission Clerk's Office that testimony was not eligible for electronic filing, there was insufficient time to physically file hard copies of the testimony before the close of business. Counsel for AARP states that the original and 15 copies of the testimony was filed with the Commission Clerk's Office the morning of October 4, 2005.

Upon consideration, AARP's Motion to File Testimony One Day Out of Time is hereby granted.

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the Motion to File Testimony One Day Out of Time filed by AARP is granted.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this  
19th day of October, 2005.

  
RUDOLPH "RUDY" BRADLEY  
Commissioner and Prehearing Officer

(SEAL)  
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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.

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; or (2) 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.