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Sent: Friday, November 04, 2005 3:36 PM
To: Filings@psc.state.fl.us
Subject: Docket 050001-EI
Attachments: 2005-11-04, FPUC's Motion for Extension of Time.pdf

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The Docket No. is 050001-EI, Fuel and Purchased Power Cost Recovery Clause
This is being filed on behalf of Florida Public Utilities Company

Total Number of Pages is 4

Florida Public Utilities Company's Motion for Extension of Time

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November 4, 2005

BY ELECTRONIC FILING

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 050001-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Public Utilities Company in this docket is an electronic version of Florida Public Utilities Company's Motion for Extension of Time.

Thank you for your assistance with this filing.

Sincerely,



Norman H. Horton, Jr.

NHH/amb
Enclosures

cc: Ms. Cheryl Martin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost)
Recovery Clause)
_____)

Docket No. 050001-EI
Filed: November 4, 2005

MOTION FOR EXTENSION OF TIME

COMES NOW, Florida Public Utilities Company ("FPUC" or "the Company") by and through undersigned counsel and requests an extension of time to respond to FPSC Order PSC-05-1108-PCO-EI, Order Denying Motion for Protective Order, and as basis would state:

1. On October 13, 2005 FPUC filed its Motion for Protective Order and Objections to Staff discovery. On October 20, 2005 Office of Public Counsel filed a response but no response was filed by Staff.

2. On November 2, 2005 Staff counsel advised counsel that the Motion for Protective Order was going to be denied and responses and production would be due by noon November 4. Counsel advised that would not be possible. No order was entered on November 2 and it was not until after close of business on November 3 that counsel learned that an order had been filed on the 3rd. Counsel has yet to receive the order.

3. The requirement to respond by noon November 4, is not reasonable and is not something with which the Company can comply. The documents requested are not in the possession of counsel and would take time to review and redact. FPUC will make every effort to reply to unanswered interrogatories by close of business November 4, and will have the requested RFP's available for review by Staff and OPC on November 7 subject to confidentiality and temporary


protective orders. Accordingly, FPUC would request an extension of time to comply with the order issued November 3 consistent with the proposal herein.

4. The Company also requests that the Commission consider that this order was not received timely enough to file this motion prior to the date the discovery is due under the order and waive the requirements that motions for an extension of time be filed prior to the due date.

5. Counsel has reviewed this proposal with OPC and does not believe there is opposition as it is outlined but would not represent that OPC does not oppose the motion.

WHEREFORE, for the reasons set forth herein, FPUC requests that the PSC grant an extension of time as described herein.

Respectfully submitted this 4th day of November, 2005.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by electronic mail (*) and/or U. S. Mail this 4th day of November, 2005 upon the following:

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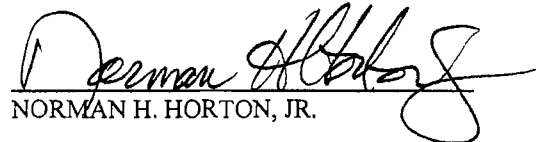
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