

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for Electrical power plant in Taylor County by Florida Municipal Power Agency, JEA, Reedy Creek Improvement District, and City of Tallahassee.

DOCKET NO.: 060635 EU

Motion to Extend Discovery Schedule and Filing Date for Testimony and Exhibits of The Sierra Club, Inc., John Hedrick, Barry Parsons and Brian Lupiani

Petitioners The Sierra Club, John Hedrick, Barry Parsons and Brian Lupiani ("Petitioners"), by and through their undersigned counsel, file this Motion to Extend Discovery Schedule and Filing Date for Petitioners' Testimony & Exhibits and as grounds therefore state:

1. Petitioners are filing a Petition for Intervention in this docket on today (October 20, 2006), which awaits the decision of the Commission. In the extremely expedited schedule of this proceeding, intervenors are required to file their testimony and exhibits by October 24, 2006. Petitioners require a reasonable time to identify expert witnesses, to secure the information needed to develop their testimony, and of course to formally prepare and present same to the Commission.

2. The City of Tallahassee, the Jacksonville Electric Authority, the Florida Municipal Power Agency, and Reedy Creek Improvement District (hereinafter Owners) propose to develop an electric generation plant which they ask the Commission to certify. The four Owners have jointly sponsored extensive testimony and exhibits with complicated projections of the cost of the proposed plant.

3. As intervenors, the Petitioners have an opportunity to file testimony and exhibits in this proceeding. Before Petitioners' testimony and exhibits can be prepared, they must have a reasonable opportunity to review and become informed about the substance and assumptions underlying the data submitted by the owners. Petitioners must then complete an independent

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technical analyses which will form the basis of Petitioners testimony, following which Petitioners must prepare and file their testimony and exhibits.

4. The owners have had considerable time to develop the data which support their filings, a portion of which is generated from proprietary software. Due process requires that the Commission permit Petitioners a reasonable opportunity both to become informed about the utility filings and to complete their own technical analyses, testimony, and exhibits.

5. It is clear that the current schedule does not provide a reasonable opportunity for Petitioners to fully assess the filings and conduct key activities prior to filing testimony:

a. ***Reviewing the filings will take time.*** The Owners have submitted sophisticated models and cost analysis upon which their proposal is based. These necessarily required time to decipher and analyze.

b. ***Conducting discovery to secure relevant information that is necessary to fully develop Petitioners' positions and testimony will take time .*** The data submitted by the Owners is based on major assumptions, and uses inputs from many independent sources. Active discovery is necessary to put all of the relevant data into its proper context.

c. ***Completing the computer based technical analyses that form the basis for Petitioners testimony and exhibits will take time.*** In order to fully assess the Owners' proposal, it will be necessary to contrast the Owners' computer modeling by conducting independent technical analyses. After the pertinent inputs are discovered, they must be integrated into the same or a parallel computer model, and processed. The results must then be reviewed and analyzed.

6. The current schedule allowed only 35 calendar days between the date the Owners' filings were mailed until Petitioners' testimony is due. Even if the Petitioners had intervened at that the outset, and if the Owners' filings contained all the relevant information, the current schedule will not permit Petitioners a reasonable opportunity to review the filings, complete the necessary computer-based technical analyses, and timely prepare and distribute testimony and exhibits. If, as seems most likely, utility filings lack the necessary information, additional time will also be required to ascertain what information is lacking and to complete the discovery necessary to secure the information needed to conduct the technical analyses that will form the basis of Petitioners' testimony.

7. Petitioners anticipate that, *at minimum*: a) ten (10) days will be needed to review the filings and prepare written discovery, to include ; b) expedited interrogatories, followed by two depositions. c) two weeks will be needed to complete the technical analyses; and d) one week will be needed to finalize Petitioners' testimony and exhibits.

8. Therefore, the Commission should establish a discovery and testimony filing schedule that provides a reasonable opportunity for Petitioners to conduct the above-described activities that are essential to presenting their position and testimony in this case, allowing, at least, the minimum times specified in paragraph 7 above.

9. Pursuant to Rule 28-106.204, FAC, prior to filing this motion Petitioners conferred, or attempted to confer, with the other parties to this proceeding and states that: OPC has no objection to the motion:

WHEREFORE, The Sierra Club, Inc., John Hedrick, Brian Lupiani and Barry Parsons move that the Commission Extend the Discovery Schedule and Filing Date for their Testimony as herein requested.

DATED THIS 20th DAY OF OCTOBER, 2006.

Certificate of Service

I certify that a copy of this Motion to Extend Time for Discovery and Filing of Testimony and Exhibits in Docket No. 060635-EU was provided this 20th day of October, 2006, by electronic service to the following:

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Respectfully submitted,

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