

Matilda Sanders

ORIGINAL

From: Michael Gross [mgross@earthjustice.org]
Sent: Monday, March 05, 2007 5:14 PM
To: Filings@psc.state.fl.us
Cc: Bill Walker; Charles Beck; Harold Mclean; Jennifer Brubaker; Katherine Fleming; Lorena Holley; Michael P. Halpin; Myron Rollins; Natalie F. Smith; R. Wade Lichtfield; Shaw Stiller
Subject: Motion for Extension of Time to file Testimony
Attachments: Electronic Filing of Motion for Extension of Time to File Testimony.pdf

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<<Electronic Filing of Motion for Extension of Time to File Testimony.pdf>>

Electronic Filing

A. Person responsible for this electronic filing

Michael Gross
 111 S. Martin Luther King Jr. Blvd.
 Tallahassee, FL 32301
 850-681-0031
 mgross@earthjustice.org

B. Docket No. 070098-EI

In Re: Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2
 Electrical Power Plant

C. Documents are being filed on behalf of The Sierra Club, Inc. (Sierra Club), Save Our Creeks (SOC), Florida Wildlife Federation (FWF), Environmental Confederation of Southwest Florida (ECOSWF), and Ellen Peterson.

D. There are a total of 4 pages in the attached document.

E. The document attached for electronic filing is the Petitioner's Motion for Extension of Time to File Testimony.

Thank you for your attention and cooperation regarding this request.

Michael Gross
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Because the earth needs a good lawyer

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ENVIRONMENTAL LAW CLINIC AT STANFORD UNIVERSITY

ORIGINAL

March 5, 2007

Blanca Bayo
Director, Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Docket No. 070098-EI, Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant

Dear Ms. Bayo,

Please find enclosed The Sierra Club, Inc. (Sierra Club), Save Our Creeks (SOC), Florida Wildlife Federation (FWF), Environmental Confederation of Southwest Florida (ECOSWF), and Ellen Peterson's Motion for Extension of Time to File Testimony in the above referenced proceeding, consisting of 3 pages. I thank you for your attention to this matter.

Sincerely,

/s/ Michael Gross

Michael Gross
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
(850) 681-0031

CC: All Official and Interested Parties

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's
Petition to Determine Need for FPL Glades
Power Park Units 1 and 2 Electrical Power
Plant

DOCKET NO.: 070098-EI

MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

Intervenors, The Sierra Club, Inc. (Sierra Club), Save Our Creeks (SOC), Florida Wildlife Federation (FWF), Environmental Confederation of Southwest Florida (ECOSWF), and Ellen Peterson, pursuant to Rule 28-106.204, Florida Administrative Code, hereby file their Motion for Extension of Time to File Expert Testimony and state:

1. The Intervenors filed their Petition to Intervene at 3:35 PM on March 5, 2007.
- 2.. The Intervenors intend to file the direct testimony of three witnesses in this proceeding. Anna Sommer (regarding CO2 costs) and Richard Furman (regarding the merits of an IGCC plant as an alternative source of generating capacity) are endeavoring to file their direct testimony on March 7, 2007, the current due date for direct testimony.
3. John Plunkett, who is preparing direct testimony on DSM and conservation measures, requires additional time to prepare and file his testimony.
4. Counsel for the Intervenors has consulted with PSC Staff counsel, FPL counsel, and OPC counsel, and they have authorized Intervenors' counsel to represent that they have no objection to granting an extension of time to Intervenors to file Mr. Plunkett's testimony on March 12, 2007. Counsel for Intervenors also represents that that Intervenors have no objection to granting FPL an extension until March 23, 2007 to file its rebuttal testimony in response to Mr. Plunkett's direct testimony. The current due date for rebuttal testimony is March 21, 2007.

5. Intervenors became aware of this proceeding on the Commission website on February 7, 2007 and due to the short time period allowed in the Order Establishing Procedure, the highly technical nature of the subject matter, the existing busy schedules of our experts, and the voluminous nature of FPL's petition, testimony and exhibits, March 7th does not allow a reasonable amount of time for Intervenors' experts to timely file the type of substantive testimony warranted in this docket and which would be in the public interest. However, in a showing of good faith, two of our experts have committed to file testimony (although more general than we would have preferred) on the current due date of March 7th.

6. It is likely that FPL has been working on its plans and filings for a substantial period of time in comparison to the time granted to Intervenors to file their testimony.

7. The meaningful substantive participation of the public in the need determination proceeding is an important component of the regulatory process and can materially benefit the Commission's review and serve the public interest.

8. The parties have no objection to the extension requested, no party will be prejudiced by the extension, and the public interest would be better served if the short extension requested is granted.

WHEREFORE, Intervenors respectfully request and extension of time from March 7, 2007 until March 12, 2007 in which to file the testimony of their expert, John Plunkett.

Respectfully submitted this 5th day of March, 2007.

/s/ Michael Gross

Michael Gross
Earthjustice
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(850) 681-0031
FL Bar ID.
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this 5th day of March, 2007, via electronic mail and US Mail on:

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/s/ Michael Gross _____
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