

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for inclusion of the Scherer Unit No. 4 purchase in rate base, including an acquisition adjustment.)	DOCKET NO. 900796-EI
)	ORDER NO. 23827
)	ISSUED: 12-4-90
)	
)	

ORDER DENYING MOTION TO POSTPONE
HEARING AND RESCHEDULE CASR DATES

On November 9, 1990, the Office of Public Counsel (OPC) filed a Motion to Postpone Hearing and Reschedule CASR Dates with the Public Service Commission (the Commission) in Docket No. 900796-EI, In re: Petition of Florida Power and Light Company for Inclusion of Scherer Unit No. 4 in Rate Base, Including an Acquisition Adjustment. On November 13, 1990 Nassau Power Corporation (Nassau), an intervenor in Docket No. 900796-EI, filed a Joinder in Public Counsel's Motion to Postpone Hearing and Reschedule CASR Dates as did Coalition of Local Governments (CLG), another intervenor, on November 27, 1990. Florida Power and Light Company (FPL) filed a response to OPC's and Nassau's motion to postpone the hearing and reschedule CASR dates on November 14, 1990.

OPC and Nassau asserted in their motions that the schedule reflected in the case assignment and scheduling record was unnecessary and prejudicial to the interests of the effected parties in that it did not afford the parties adequate time to conduct the necessary discovery to identify issues and formulate testimony. OPC and Nassau further asserted that since FPL's opportunity to purchase Scherer Unit No. 4 would be lost only if approval from the Commission was not obtained in time to permit a first closing by June 30, 1990, no party would be prejudiced if the commission extended the hearing dates and all other proceeding activities by four months from the dates reflected in the on the CASR.

In its response, FPL asserted that under the original schedule, the parties had adequate time to review FPL's filing, conduct discovery, file testimony, and otherwise participate fully. They further pointed out that the petition initiating this proceeding, the prefiled testimony and exhibits were filed on September 28, 1990 and that Nassau and OPC had this material in hand for six weeks before they filed their motions.

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On November 27, 1990, informal oral arguments were held on these motions. FPL, OPC, and Nassau were present and argued the positions they initially presented in their motions.

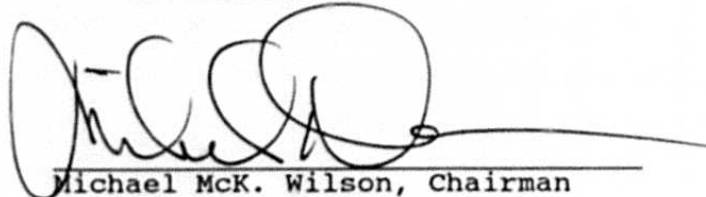
While the schedule in this docket has been expedited, the parties have had sufficient time to conduct discovery, file testimony, and review FPL's filings. Furthermore, due to the fact that the Commission's hearing calendar is extremely crowded, finding an available hearing dates which would allow the Commission to make a final decision prior to the June 30, 1990 deadline is close to impossible at this point in time. Consequently, I hereby deny OPC's, Nassau's, CLG's Motions to Postpone Hearing and Reschedule CASR Dates.

In consideration of the foregoing, it is

ORDERED that the Office of Public Counsel's, Nassau Corporation's, and Coalition of Local Government's Motion to Postpone Hearing and Reschedule CASR Dates are hereby denied. It is further

ORDERED that if a protest is filed within 14 days of this order, it will be resolved by the appropriate Commission panel.

By ORDER of Chairman Michael McK. Wilson, Prehearing Officer, this 4th day of DECEMBER, 1990.

A handwritten signature in black ink, appearing to read 'Michael McK. Wilson', is written over a horizontal line. The signature is stylized and cursive.

Michael McK. Wilson, Chairman
Prehearing Officer

(S E A L)

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