

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Planning Hearings on Load Fore-) DOCKET NO. 910004-EU
casts, Generation Expansion Plans and) ORDER NO. 24365
Cogeneration Prices for Florida's) ISSUED: 4/15/91
Electric Utilities)

ORDER GRANTING MOTION TO COMPEL RESPONSE TO DOCUMENT REQUESTS,
GRANTING MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY
AND DENYING ORAL ARGUMENT

On March 27, 1991, Nassau Power Corporation (Nassau) filed and requested oral argument upon a Motion to Compel Florida Power and Light Company to Respond to Nassau's Document Request Item Nos. 1, 2, and 10. At the same time, Nassau also filed a separate Motion for Extension of Time to File Testimony Related to Florida Power & Light Company's Generation Expansion Plan.

Motion to Compel

On April 3, 1991, FPL filed its response to Nassau's Motion to Compel. Having considered both Nassau's motion and FPL's response, it is the conclusion of the Prehearing Officer that no reason appears to justify FPL in refusing to produce the items requested by Nassau. The Prehearing Officer specifically rejects the contention made by FPL that the request made by Nassau is overly broad, unreasonable, or unduly burdensome. Nassau's motion will therefore be granted.

Motion for Extension of Time

As grounds for its request for extension of time, Nassau alleged that FPL failed to adequately respond to Nassau's discovery requests, such that Nassau's expert witness could not prepare his testimony. According to Nassau, its expert witness will need 20 working days after receipt of FPL's discovery responses to prepare his testimony. Intervenor testimony in this docket is due on April 15, 1991. In order to allow Nassau additional time to prepare its testimony, Nassau's deadline for filing its testimony shall be extended to April 26, 1991. Rebuttal testimony to Nassau's direct testimony shall be submitted on or before May 7, 1991.

Request for Oral Argument

Nassau's request for oral argument is moot because its motion to compel has been granted. It will therefore be denied.

Accordingly, it is

ORDERED by Commissioner Gerald L. Gunter, Prehearing Officer, that Florida Power & Light Company shall fully and completely respond to Item Numbers 1, 2, and 10 of Nassau Power Corporation's

DOCUMENT NUMBER-DATE
03554 APR 15 1991

REC-RECORDS/REPORTING

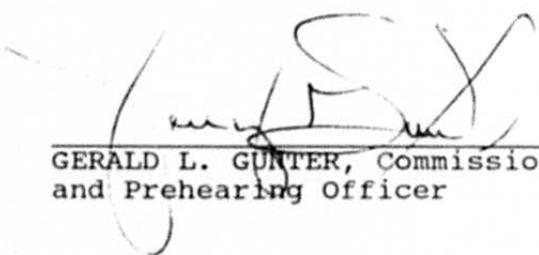
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First and Second Requests for Production, and shall produce all workpapers, analyses, and spreadsheets which support the assumptions underlying FPL's generation expansion plan. Florida Power & Light Company shall provide all requested information to counsel for Nassau Power Corporation at their Tallahassee, Florida address by the close of business on April 17, 1991. It is further

ORDERED that Nassau Power Corporation shall file its testimony in this docket no later than April 26, 1991. It is further

ORDERED that Nassau Power Corporation's request for oral argument on its motion to compel is hereby denied.

By ORDER of Commissioner Gerald L. Gunter, Prehearing Officer, this 15th day of APRIL, 1991.


GERALD L. GUNTER, Commissioner
and Prehearing Officer

(S E A L)
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

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 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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 sewer utility. A motion for reconsideration

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shall be filed with the Director, Division of Records and Reporting, 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.