

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of)	DOCKET NO. 910816-EQ
Need for Electric Power Plant (Amelia)	ORDER NO. 25255
Island Cogeneration Facility) by Nassau)	ISSUED: 10/25/91
Power Corporation)	
)	

**ORDER GRANTING IN PART AND DENYING IN PART MOTION TO COMPEL;
AND ESTABLISHING DEADLINE FOR RESPONDING TO DISCOVERY**

On October 15, 1991 Florida Power and Light Company (FPL) filed a Motion to Compel Nassau Power Corporation (Nassau) to respond to discovery requests in this docket. FPL also asked that a deadline be established for the filing of responses to other pending discovery requests, specifically FPL's Second Set of Interrogatories and Request for Production of Documents. FPL filed a Supplement to its Motion to Compel on October 21, 1991. Nassau filed a Response to the Motion to Compel, a Response to the Supplement to the Motion to Compel and a Motion for Protective Order on October 22, 1991. At the Prehearing Conference on October 23, 1991, arguments were presented by the parties. It was agreed that matters related to the confidentiality of certain discovery requests were the subject of ongoing negotiations between the parties. Therefore, a ruling on those parts of the Motion to Compel, the Supplement to the Motion to Compel and the Motion for Protective Order that address claims of confidentiality is deferred. As in all discovery disputes, the parties are encouraged to reach a negotiated settlement.

With respect to the remaining discovery issues subject to dispute, and after having reviewed the Motion, Supplement to the Motion and the responses thereto I find:

1. Nassau shall provide further explanation as to the sources of information used to compute the columns of the various figures identified in interrogatories 3, 7 and 28. In its response, Nassau shall provide sufficient detail to enable FPL to replicate the data as requested in each interrogatory.

2. Nassau shall provide a statement further specifying the reasons for its withdrawal of the Original Figure 19 as a supplement to its response to interrogatory 39.

3. Based on the discussion at the prehearing conference, it is determined that FPL seeks to be advised of any known computational or conceptual errors in its interrogatories 2, 6, 27, 30 and 38. Nassau shall advise FPL of any known computational or conceptual

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errors in the Figures referred to in interrogatories 2, 6, 27, 30 and 38. If Nassau knows of no computational or conceptual errors in the figure referenced in the specific interrogatory, a statement so indicating shall be a sufficient response.

4. The Motion to Compel is denied as to interrogatory number 12.

5. Based on the discussion at the prehearing conference, it is determined that through interrogatory 18, FPL seeks to be advised of all transmission line resources which Nassau believes are "currently available to FPL to transport power purchases through the Florida - Georgia transmission interface." Nassau shall identify all transmission line resources it believes are currently available to FPL to transport power purchases, whether firm or non-firm, through the Florida - Georgia transmission interface as requested in interrogatory 18.

6. As discussed at the prehearing conference, Nassau will provide, in writing, a supplement to its response to interrogatory 20(a).

7. Nassau shall file further responses to interrogatories 45 and 47 to the extent that Mr. Ross will provide FPL with information and/or documents to correct and explain revised Figure 19.

8. To the extent that the Motion to Compel and Supplement seek documents that are not subject to a claim of confidentiality, Nassau shall provide such additional documents as it knows to exist. To the extent that the previous response to each specific request for production is complete, Nassau shall affirm that no other responsive documents are known to exist.

Accordingly, it is

ORDERED by Susan F. Clark, Prehearing Officer, that Nassau shall supplement its responses to FPL's First Set of Interrogatories and Requests for Production as set out above. In consideration of the extended deadlines for filing rebuttal testimony in this cause and the pending negotiated settlement to the remaining discovery issues, all responses required by this

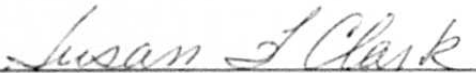
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Order shall be filed no later than Tuesday, October 29, 1991. It is further

ORDERED that Nassau's responses to FPL's Second Set of Interrogatories and Request for Production of Documents shall be filed no later than Tuesday, October 29, 1991. It is further

ORDERED that a ruling on the remaining issues in the Motion to Compel, Supplement to the Motion to Compel and Nassau's Motion for Protective Order is deferred pending the outcome of the settlement discussions.

By ORDER of Commissioner Susan F. Clark, Prehearing Officer, this 25th day of OCTOBER, 1991.



SUSAN F. CLARK, Commissioner
and Prehearing Officer

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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 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.