

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to offset FAS) DOCKET NO. 920144-EI
106 costs and defer incremental) ORDER NO. PSC-92-0605-PCO-EI
FAS 106 costs until next rate) ISSUED: 07/06/92
case by Florida Power and Light)
Company.)
_____)

ORDER GRANTING IN PART AND DENYING IN PART
FPL'S MOTION FOR ENLARGEMENT OF TIME
AND EMERGENCY MOTION FOR CONTINUANCE

Florida Power and Light Company (FPL) filed an Emergency Motion for Continuance and a Motion for Enlargement of Time on July 2, 1992. In its Emergency Motion for Continuance, FPL moves the Commission to continue the hearing in this docket and to suspend all interim filing deadlines, including deadlines for filing responses to discovery requests, until a revised CASR is issued. Also, in the Motion for Enlargement of Time, FPL moves the Commission to enlarge the time that it is required to file its prefiled direct testimony as well as its response to Staff's request for production of documents.

The Chairman is the chief administrative officer responsible for setting the Commission hearing dates and any changes to those dates. Therefore, it is the Chairman who will rule on the motion for continuance at a later date. The Prehearing Officer will rule in this Order on the Motion for Enlargement of Time and FPL's request to suspend all interim filing deadlines until a revised CASR is issued in this docket.

FPL maintains that due to changing circumstances, FPL's position on the deferral issue may change. FPL asserts that its budget for 1993 will not be available until late 1992, making it difficult to discern the impact of the deferral issue on FPL's financial condition in 1993. Also, FPL states that it is presently engaged in sensitive labor negotiations that could significantly affect the amount of costs that would need to be deferred. These changing circumstances are sufficient to allow a suspension of the filing dates of testimony, rebuttal testimony and prehearing statements for all parties until a revised CASR is issued. The Office of Public Counsel, the Florida Industrial Power Users Group and Staff do not object to the enlargement of time to file testimony. Therefore, the portion of FPL's Motion for Enlargement of Time pertaining to the filing of its direct prefiled testimony is granted. Also, the portion of FPL's Emergency Motion for continuance relating to suspension of interim filing deadlines is granted insofar as it pertains to the filing dates of testimony, rebuttal testimony and prehearing statements for all parties as discussed above.

DOCUMENT NUMBER-DATE

07161 JUL -6 1992

FPC-RECORDS/REPORTING

ORDER NO. PSC-92-0605-PCO-EI
DOCKET NO. 920144-EI
PAGE 2

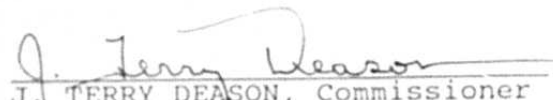
In its Motion for Continuance, FPL requests suspension for filing responses to discovery requests until a revised CASR is issued in this docket. Also, FPL includes its response to Staff's First Set of Production of Documents in its Motion for Enlargement of Time. The Office of Public Counsel objects to the suspension of FPL's responses to discovery requests because no beneficial purpose is served by delaying discovery responses and that the Citizens, as well as other parties, would be prejudiced by the unnecessary delay in FPL's discovery responses. Staff, too, objects to delays regarding discovery and, specifically, its request for production of documents. Accordingly, the sections of the Motion for Continuance and the Motion for Enlargement of Time relating to suspension and delay of discovery shall be denied.

It is, therefore,

ORDERED that the filing dates of testimony, rebuttal testimony and prehearing statements are suspended until a revised CASR is issued, as discussed within the body of this Order. It is further

ORDERED that discovery will proceed in accordance with the Commission Rules and the Florida Rules of Civil Procedure and that any suspension to Florida Power and Light's responses to discovery requests is denied. Florida Power and Light's Motion for Enlargement of Time as it relates to Staff's First Request for Production of Documents is also denied, as discussed within the body of this Order.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 6th day of July, 1992.


J. TERRY DEASON, Commissioner
and Prehearing Officer

(S E A L)

DLC
920144MD.DC