

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Numeric) DOCKET NO. 930550-EG
Conservation Goals and) ORDER NO. PSC-94-1571-PCO-EG
Consideration of National Energy) ISSUED: December 19, 1994
Policy Act Standards (Section)
111) by GULF POWER COMPANY.)
_____)

ORDER DENYING MOTION FOR ENLARGEMENT OF TIME
STRIKING PORTIONS OF THE INTERVENOR'S RESPONSE

In Order No. PSC-94-1313-FOF-EG, issued in this docket on October 25, 1994, we approved the adoption of certain numeric conservation goals for Gulf Power Company. These goals were adopted pursuant to Rules 25-17.001 - .005, Florida Statutes, which require us to set demand side management goals for Florida's electric utilities. The order also considered the implementation of two standards set by the Public Utilities Regulatory Policy Act of 1978 (PURPA) as amended by Subtitle B, Section 111, of the Energy Policy Act of 1992 (EPACT). These standards are the "Integrated Resource Planning" and "Income Neutrality" standards.

On November 9, 1994, the Legal Environmental Assistance Foundation Inc. (LEAF) and Deborah B. Evans filed a Motion for Reconsideration of Order No. PSC-94-1313-FOF-EG.

Gulf Power Company filed a Motion for Enlargement of Time in response to LEAF's request for reconsideration on November 22, 1994. The motion requests an extension of time to allow Gulf the opportunity to sufficiently address the arguments raised in LEAF's Motion for Reconsideration. Gulf cites the extensiveness of the docket and of LEAF's motion, as reasons for its motion.

On November 30, 1994, LEAF, in association with Deborah B. Evans, filed a memorandum in opposition to Gulf's Motion for Enlargement of Time. Noting that Gulf responded to LEAF's motion on the last possible day, LEAF argues that Gulf's delayed response to LEAF's motion was an attempt to obtain a de facto time extension. In addition, LEAF asserts that Gulf has already responded to LEAF's motion within the Motion for Enlargement of Time itself.

Gulf has argued that the size of the record in this docket is voluminous, pointing out that it contains over 5,700 pages of hearing testimony alone. Gulf also argues that LEAF's 43-page

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response in the time allowed. Additionally, Gulf notes that during this time frame, the company has been under certain time constraints which prevented Gulf from filing its response in a more timely manner.

The record in this case is, indeed, extensive. However, Gulf's failure to recognize and respond to the need for an extension in a more timely manner is unacceptable. Gulf's argument that the Company has been under time constraints in recent weeks is also unpersuasive. As such, Gulf's Motion for Enlargement of Time is, hereby, denied.


It is noted, however, that Gulf, in its Motion for Enlargement of Time, has addressed the merits of LEAF's Motion for Reconsideration. Gulf's Motion for Enlargement of Time will, therefore, be treated as its response to the merits of LEAF's Motion for Reconsideration. In doing so, Paragraphs 5 - 9 of LEAF's Memorandum in Opposition will be stricken as an unauthorized response to Gulf's response.

Based on the foregoing, it is, therefore

ORDERED that Gulf Power Company's Motion for Enlargement of Time is, hereby, denied. It is further

ORDERED that Paragraphs 5 - 9 of the LEAF and Deborah B. Evans Memorandum in Opposition To Gulf Power Company's Motion for Enlargement of Time be stricken from the record.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 19th day of December, 1994.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)

BC

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

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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 wastewater 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.