

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for
Determination of Need for an
Electrical Power Plant in
Okeechobee County by Okeechobee
Generating Company, L.L.C

DOCKET NO. 991462-EU
ORDER NO. PSC-99-2166-PCO-EU
ISSUED: November 8, 1999

ORDER ESTABLISHING EXPEDITED DISCOVERY SCHEDULE

By motions filed October 19, 1999, and October 26, 1999, Florida Power Corporation (FPC) and Florida Power & Light Company (FPL), respectively, move to expedite discovery to the petitioner in this proceeding, Okeechobee Generating Company, L.L.C. (Okeechobee), so that the petitioner's responses to any discovery request shall be due no later than ten days from service of the request. FPL further requests that the Okeechobee be required to serve its responses by personal service or by courier. In support of their motions, both FPC and FPL essentially assert that due to the short time frame for hearing in this docket and the fact that each has not yet been granted party status that would allow it to begin discovery, they will be unable to conduct adequate or meaningful discovery in preparation for hearing without an expedited discovery schedule.

By motion filed October 26, 1999, Okeechobee opposed FPC's motion to expedite discovery and proposed an alternate expedited discovery schedule. Okeechobee's alternate schedule would require: (1) all parties to serve discovery requests by hand delivery, facsimile transmission, or express courier service, and (2) all parties to serve responses to discovery requests by hand delivery, facsimile transmission, or express courier service on the 20th day following receipt of the discovery requests. Okeechobee asserts that the ten day response time requested by FPC is unreasonably short and will prejudice Okeechobee.

On November 2, 1999, FPL filed a response to Okeechobee's motion for an alternate expedited discovery schedule. In its response, FPL asserts that because its petition to intervene has not been ruled upon yet, its time to conduct discovery in this docket has grown shorter since its original motion for expedited discovery. FPL points out that as of the date of its response, only 34 days remain prior to the first day of hearing. FPL asserts that Okeechobee's proposed 20 day response time will not afford FPL sufficient time for discovery and that a 10 day response time is necessary.

DOCUMENT NUMBER-DATE

13690 NOV-89

FPSC-RECORDS/REPORTING

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After reviewing the above-mentioned pleadings, I find that the following terms will provide an adequate discovery schedule and shall govern discovery in this docket: (1) all parties shall serve discovery requests by hand delivery, facsimile transmission, or express courier service; and (2) all parties shall serve responses to discovery requests by hand delivery, facsimile transmission, or express courier service on the 14th day following receipt of the discovery requests. This Order is entered pursuant to the authority granted in Rule 28-106.206, Florida Administrative Code, to effectuate the purposes of discovery and to prevent delay in this proceeding.

I recognize that FPL and FPC have both filed requests for a stay of this proceeding. This ruling on expedited discovery is not intended to preclude FPL and FPC from proceeding with their requests for stay, nor is it intended to have any precedential impact on the Commission's decision regarding the requests for stay. Further, I recognize that expedited discovery will no longer be appropriate for this proceeding if the requests for stay are granted. Therefore, the expedited discovery schedule set forth in this Order shall not govern this proceeding if either FPL or FPC's request for stay is granted.

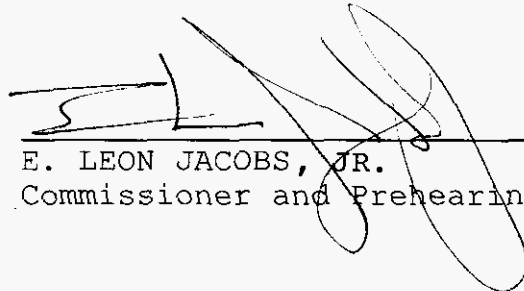
Based on the foregoing, it is hereby

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that (1) all parties shall serve discovery requests by hand delivery, facsimile transmission, or express courier service; and (2) all parties shall serve responses to discovery requests by hand delivery, facsimile transmission, or express courier service on the 14th day following receipt of the discovery requests. It is further

ORDERED that the expedited discovery schedule set forth in this Order shall not govern this proceeding if either Florida Power & Light Company or Florida Power Corporation's separate request for stay of this proceeding is granted.

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By ORDER of Commissioner E. Leon Jacobs, Jr. as Prehearing Officer, this 8th day of November, 1999.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

WCK/TRC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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

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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.