

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-00-0339-PCO-EU  
ISSUED: February 18, 2000

ORDER REVISING PROCEDURAL SCHEDULE

By Order No. PSC-99-2002-PCO-EU, issued October 13, 1999, a procedural schedule was established, setting forth the controlling dates for this docket. To accommodate Florida Power & Light Company ("FPL") and Florida Power Corporation's ("FPC") requests for an extension of time to file intervenor testimony in this docket, the procedural schedule for this docket was revised in Order No. PSC-99-2165-PCO-EU, issued November 8, 1999.

Pursuant to Order No. PSC-99-2002-PCO-EU, the hearing in this docket was scheduled for December 6-8, 1999. By Order No. PSC-99-2438-PAA-EU, issued December 13, 1999, this Commission granted FPC's petition for waiver of the scheduling requirements contained in Rule 25-22.080(2), Florida Administrative Code, and request for stay of this proceeding. As a result, the hearing in this docket was rescheduled for March 20-22, 2000.

By Order No. PSC-00-0291-PCO-EU, issued February 11, 2000, Okeechobee Generating Company, L.L.C. ("OGC"), was required to make certain software and computer models (respectively, "MarketPoint" and the "Altos models") available by February 15, 2000, for inspection by intervenors and Commission staff. Based on this deadline for production of MarketPoint and the Altos models, controlling dates for the March 20-22 hearing were established in Order No. PSC-00-0290-PCO-EU, issued February 11, 2000.

By motion filed February 15, 2000, OGC requests that it be permitted to make MarketPoint and the Altos models available for inspection at a date later than that required by Order No. PSC-00-0291-PCO-EU. OGC also requests that the procedural schedule established in Order No. PSC-00-0290-PCO-EU be revised accordingly. In support of this motion, OGC asserts that it is unable to make MarketPoint and the Altos models available by February 15, 2000, due to prior commitments of the Altos personnel required to prepare the models for inspection. OGC proposes the following schedule for making MarketPoint and the Altos models available and for filing testimony related to the models:

DOCUMENT NUMBER-DATE

02247 FEB 18 8

FPSC-RECORDS/REPORTING

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Training Sessions on MarketPoint and Altos models (at Commission):	February 21-22, 2000
Models available at Commission:	February 21, 2000
Models available at Altos Offices, San Jose, California:	February 23, 2000
Intervenor Testimony: (related to direct testimony of OGC witness Nesbitt)	March 7, 2000
Rebuttal Testimony: (responsive to March 6, 2000, intervenor testimony)	March 15, 2000

OGC asserts that these scheduling revisions provide the parties in this docket an approximate day-for-day extension of the current procedural schedule, to account for the delay in making MarketPoint and the Altos models available, without affecting the dates of the final hearing in this docket. OGC indicates that no party objects to the procedural schedule set forth in its motion.

Having reviewed OGC's motion and noting that no party objects to the motion, I find that OGC's motion for revised procedural schedule shall be granted. OGC shall be permitted to make MarketPoint and the Altos models available for inspection by intervenors and Commission staff on the dates set forth above. Further, the procedural schedule established in Order No. PSC-00-0290-PCO-EU, shall be modified as set forth above, with the clarification that any OGC witness offering rebuttal testimony on March 15, 2000, shall be made available for deposition on March 16 or 17, 2000. All other provisions of Orders Nos. PSC-99-2002-PCO-EU, PSC-99-2165-PCO-EU, and PSC-00-0290-PCO-EU, to the extent they have not been superseded by subsequent order, shall continue to govern these proceedings.

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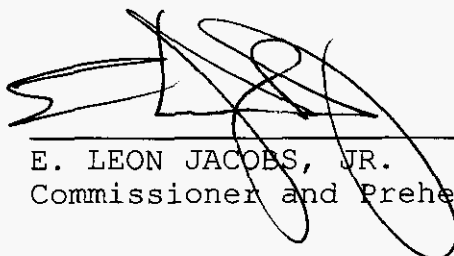
Based upon the foregoing, it is hereby

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that Okeechobee Generating Company shall make MarketPoint and the Altos models available for inspection by intervenors and Commission staff no later than the dates set forth in the body of this Order. It is further

ORDERED that the controlling dates previously established for this docket in Order No. PSC-00-0290-PC-EU, are hereby revised as set forth in the body of this Order. It is further

ORDERED that all other aspects of Orders Nos. PSC-99-2002-PCO-EU, PSC-99-2165-PCO-EU, PSC-00-0290-PCO-EU, and PSC-00-0291-PCO-EU, to the extent they have not been superseded by subsequent order, are hereby reaffirmed as controlling in this docket.

By ORDER of Commissioner E. Leon Jacobs, Jr., Prehearing Officer, this 18th day of February, 2000.



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E. LEON JACOBS, JR.  
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 120.569(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 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.