

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and
generating performance incentive
factor.

DOCKET NO. 010001-EI
ORDER NO. PSC-01-1881-PCO-EI
ISSUED: September 20, 2001

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL TESTIMONY

By Order No. PSC-01-0665-PCO-EI, issued March 16, 2001, ("Procedural Order") procedures for this docket were established. Among other things, the Procedural Order identified a schedule of controlling dates for this docket and included a tentative list of issues. The Procedural Order identifies September 20, 2001, as the filing deadline for utilities' projection testimony and exhibits. By Order No. PSC-01-1829-PCO-EI, issued September 11, 2001, the tentative list of issues included in the Procedural Order was replaced with an updated, more extensive list of issues to be addressed in this proceeding.

On September 14, 2001, Florida Power Corporation ("FPC") filed a motion for extension of time to file supplemental testimony related to Issues 11-14, 19D, and 19E, as identified in Order No. PSC-01-1829-PCO-EI. In its motion, FPC requests a 30-day extension to file its testimony on these issues on October 19, 2001, rather than September 20, 2001. FPC indicates that it does not have the additional resources necessary to adequately address these issues by the September 20, 2001, deadline. FPC also outlines a proposed filing schedule for responsive testimony. In its motion, FPC agrees to serve its supplemental direct testimony and rebuttal testimony, if any, on an expedited basis, and asks that Commission staff and intervenors file any responsive testimony on the same basis. FPC indicates that the Florida Industrial Power Users Group ("FIPUG") and the Office of Public Counsel take no position on the motion, with the qualification by FIPUG that its willingness not to object is predicated on FPC providing expedited service.

Upon review, FPC's motion is granted in part and denied in part. FPC shall file its supplemental direct testimony related to Issues 11-14, 19D, and 19E no later than October 8, 2001, and shall serve this testimony by hand-delivery, electronic mail, or other

DOCUMENT NUMBER-DATE

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same-day basis. Intervenors and Commission staff shall file any testimony responsive to FPC's supplemental testimony no later than October 26, 2001, and shall serve this testimony on the same basis. FPC shall file any related rebuttal testimony no later than October 31, 2001, and shall serve this testimony on the same basis. The testimony filing schedule set forth in the Procedural Order and normal service requirements shall continue to govern testimony concerning all other issues.

To mitigate the effects of this extension on Commission staff and intervenors' ability to prepare for hearing, FPC shall, within 21 days of service, serve responses to all interrogatories, requests for production of documents, and requests for admissions related to its supplemental direct testimony, by hand-delivery, electronic mail, or other same-day basis. All discovery requests related to the supplemental direct testimony shall be served on the same basis.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code, which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

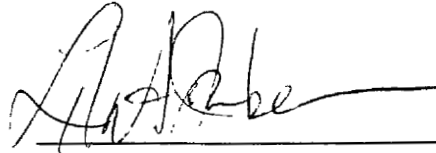
It is therefore,

ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that Florida Power Corporation's motion for extension of time to file supplemental testimony is granted in part and denied in part, as set forth in the body of this Order. It is further

ORDERED that all other aspects of Order No. PSC-01-0665-PCO-EI are reaffirmed, except as previously modified by Order Nos. PSC-01-1546-PCO-EI and PSC-01-1829-PCO-EI.

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By ORDER of Commissioner Lila A. Jaber, as Prehearing Officer,
this 20th Day of September, 2001.



LILA A. JABER
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,

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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 the Commission Clerk and Administrative Services, 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.