

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 000824-EI
ORDER NO. PSC-02-0124-PCO-EI
ISSUED: January 28, 2002

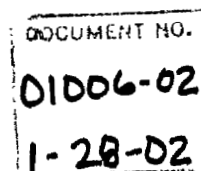
ORDER GRANTING EMERGENCY MOTION FOR EXTENSION OF TIME TO FILE REBUTTAL TESTIMONY AND ESTABLISHING NEW CONTROLLING DATE FOR THE FILING OF REBUTTAL TESTIMONY

By Order No. PSC-01-2114-PCO-EI, issued October 25, 2001, a procedural schedule was established setting forth the controlling dates for this docket. On January 24, 2002, Florida Power Corporation (FPC or utility) filed an Emergency Motion for Extension of Time to File Rebuttal Testimony. FPC requests that the time for the filing of rebuttal testimony be extended by one week, from February 4, 2002, until February 11, 2002.

In support of its Motion, the utility states, among other things, that Commission staff has advised that it intends to file testimony of five witnesses on January 28, 2002, and that not including what staff may file, the intervenors have so far filed testimony of 11 witnesses for a total of over 780 pages of testimony and exhibits. The present schedule gives FPC eight business days from the last intervenor's filing deadline to review intervenor testimony and only four business days to review staff testimony prior to filing its rebuttal.

FPC argues that to respond to such a large volume of information in eight business days or less is manifestly unfair. Further, FPC argues that the amount of time it has to respond under the present schedule makes it prohibitively difficult for the utility to respond thoroughly and meaningfully to all issues raised in the intervenor's prefiled testimony and thus compromises the utility's due process rights.

Moreover, FPC states that a one-week extension should not require an adjustment to any of the other presently set deadlines. Finally, FPC states that it has contacted counsel for all



ORDER NO. PSC-02-0124-PCO-EI
DOCKET NO. 000824-EI
PAGE 2

intervenors who have filed testimony in this matter and is authorized to represent that neither the Citizens nor the Florida Industrial Power Users Group object to this request, but that Publix Super Markets, Inc. objects to the extension of time.

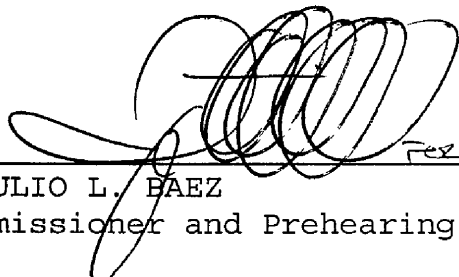
In consideration of the foregoing, FPC's Motion is reasonable and shall therefore be granted. The controlling date for the filing of rebuttal testimony is hereby changed to February 11, 2002.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that Florida Power Corporation's Emergency Motion for Extension of Time to File Rebuttal Testimony is granted. It is further

ORDERED that the controlling date for the filing of rebuttal testimony is changed to February 11, 2002. Order No. PSC-01-2114-PCO-EI is affirmed in all other respects.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 28th day of January, 2002.



BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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ORDER NO. PSC-02-0124-PCO-EI
DOCKET NO. 000824-EI
PAGE 3

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 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.