

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaints by Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc., against Florida Power & Light Company concerning thermal demand meter error.

DOCKET NO. 030623-EI
ORDER NO. PSC-04-0912-PCO-EI
ISSUED: September 17, 2004

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE
AND GRANTING REQUEST FOR EXTENSION OF TIME TO FILE REBUTTAL
TESTIMONY

By Order No. PSC-04-0581-PCO-EI, issued June 9, 2004 ("Order Establishing Procedure"), a procedural schedule was established setting forth the controlling dates for this docket. Among those controlling dates, the Order Establishing Procedure established the due date for rebuttal testimony as August 16, 2004, and the final hearing date as September 28, 2004.

On August 13, 2004, Ocean Properties, Ltd., J.C. Penney Corp., Target Stores, Inc., and Dillard's Department Stores, Inc. (collectively, "Customers") filed a request seeking a two-day extension of time to file their rebuttal testimony. At the time of the request, Hurricane Charley was fast approaching the southwest coast of Florida. Customers' representative, George Brown, resides in Bradenton, Florida, which was in the area of the hurricane's projected landfall. At the time of the request, Customers anticipated that Mr. Brown's ability to complete his rebuttal testimony in this proceeding by the August 16 deadline could be impacted by the hurricane. (Although Customers reserved the right to request an additional extension pending the impact of the hurricane on Mr. Brown, they ultimately did not file such a request.) Customers' request indicates that it consulted Florida Power & Light Company ("FPL") and the Commission staff, and neither opposed the requested extension. Customers' request also indicates that Customers and FPL agree that if the request is granted, the two-day extension should be provided to both parties.

Upon consideration, Customers' request for a two-day extension of time to file rebuttal testimony is granted. Thus, the Order Establishing Procedure is hereby revised to reflect that rebuttal testimony of all parties shall be filed no later than August 18, 2004.

In addition, the Order Establishing Procedure is hereby revised to reflect that the final hearing for this docket has been rescheduled for September 23, 2004.

The Order Establishing Procedure is reaffirmed in all other respects.

DOCUMENT NUMBER-DATE
10076 SEP 17 04
FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0912-PCO-EI
DOCKET NO. 030623-EI
PAGE 2

Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that Customers' request for an extension of time to file rebuttal testimony is granted. It is further

ORDERED that the controlling dates established in Order No. PSC-04-0581-PCO-EI are modified as set forth in the body of this Order. Order No. PSC-04-0581-PCO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 17th day of September, 2004



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

(S E A L)

WCK

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-

ORDER NO. PSC-04-0912-PCO-EI
DOCKET NO. 030623-EI
PAGE 3

22.0376, Florida Administrative Code; or (2) 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.