

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for rate increase by Progress
Energy Florida, Inc.

DOCKET NO. 050078-EI
ORDER NO. PSC-05-0758-PCO-EI
ISSUED: July 21, 2005

ORDER GRANTING MOTION FOR EXTENSION
OF TIME FOR CONDUCTING DISCOVERY

On July 20, 2005, the Office of Public Counsel ("OPC") filed its Motion for Extension of Time for Discovery Cut-Off Date (Motion). Pursuant to Order No. PSC-05-0487-PCO-EI, issued May 4, 2005, rebuttal testimony is due to be filed on August 5, the date by which all discovery must be completed is August 11, and the hearing is scheduled to begin on September 7, 2005. OPC contends that under the current schedule, the parties cannot conduct depositions of the witnesses on their testimony, including any rebuttal testimony, and have sufficient time to conduct follow-up discovery, if needed. Thus, OPC requests that the discovery cut-off date be changed from August 11 to August 26, 2005. OPC represents that all parties have been contacted regarding its Motion, and none have objected to the granting of OPC's Motion.


Upon consideration, OPC's request is reasonable and its Motion is hereby granted.

Based on the foregoing, it is

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer that the Office of Public Counsel's Motion for Extension of Time for Discovery Cut-Off Date is hereby granted. It is further

ORDERED that the controlling date by which discovery shall be completed in this docket, established in Order No. PSC-05-0487-PCO-EI, shall be revised to August 26, 2005. Order No. PSC-05-0487-PCO-EI is affirmed in all other respects.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 21st day of July, 2005.



BRAULIO L. BAEZ
Chairman and Prehearing Officer

(SEAL)

JSB

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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; 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.