

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Polk Unit
6 electrical power plant, by Tampa Electric
Company.

DOCKET NO. 070467-EI
ORDER NO. PSC-07-0711-PCO-EI
ISSUED: August 30, 2007

ORDER GRANTING EXTENSION OF TIME

On July 20, 2007, Tampa Electric Company (TECO) filed a petition for a determination of need for a proposed electrical power plant in Polk County pursuant to Section 403.519, Florida Statutes, and Rule 25-22.080, Florida Administrative Code (F.A.C.). Pursuant to Order No. PSC-07-0639-PCO-EI, issued August 6, 2007, the matter has been scheduled for a formal administrative hearing on October 10-11, 2007. By Order No. PSC-07-0695-PCO-EI, issued August 24, 2007, the Southern Alliance for Clean Energy (SACE) intervened in this proceeding.¹

SACE's Motion to Extend Filing Date for Testimony and Exhibits

By petition, dated August 13, 2007, SACE requested an extension of time for filing intervenor testimony and exhibits, which pursuant to Order No. PSC-07-0639-PCO-EI, is currently scheduled to be filed by September 3, 2007. SACE contends that the existing schedule does not permit SACE a sufficient opportunity to review TECO's testimony and need filing, nor a reasonable opportunity to identify expert witnesses, develop its testimony and exhibits, and formally present its case to the Commission. SACE contends that due process requires that it have a reasonable opportunity to analyze TECO's models and cost analysis; analyze TECO's major assumptions and data from independent sources; conduct discovery; and allow it to conduct its own technical analysis prior to submission of testimony and exhibits. SACE therefore requests that it be granted an extension, at a minimum, until September 7, 2007 to file its testimony and exhibits. SACE contends that this extension will promote judicial economy by minimizing the need for motions for amended and supplemental testimony.

Ruling

Having reviewed the pleading, the timeframes established in Order No. PSC-07-0639-PCO-EI are both reasonably consistent with those exercised in prior need determination proceedings and are designed to comport with the requirements of Rule 25-22.080, F.A.C. However, there is some flexibility within the current schedule for filing intervenor testimony and exhibits. Staff counsel has contacted counsel for TECO, who states that TECO does not intend to object to SACE's request in this matter, provided that a commensurate extension of time is granted for the filing of its rebuttal testimony. In order to afford additional time to SACE without unduly delaying or prejudicing the other parties and events scheduled for this docket,

¹ Order No. PSC-07-0695-PCO-EI conditioned SACE's intervention upon SACE filing proof, by no later than the September 24, 2007, Prehearing Conference, that SACE has a valid certificate of authority issued by the Florida Department of State. Nothing herein shall be construed as modifying or superseding that requirement.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

SACE's request shall be granted. Therefore, the controlling dates established by Order No. PSC-07-0639-PCO-EI shall be modified as follows:

- | | |
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| (1) Intervenor testimony and exhibits | September 7, 2007 |
| (2) Staff's testimony and exhibits, if any | September 14, 2007 |
| (3) Rebuttal testimony and exhibits | September 21, 2007 |


All other controlling dates established by Order No. PSC-07-0639-PCO-EI shall remain as currently scheduled.

Based on the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the Southern Alliance for Clean Energy's Motion to Extend Filing Date for Testimony and Exhibits is granted as set forth in the body of this Order. It is further

ORDERED that the controlling dates for Intervenor, Staff, and Rebuttal Testimony and Exhibits, established in Order No. PSC-07-0639-PCO-EI, are modified as set forth in the body of this Order. Order No. PSC-07-0639-PCO-EI is affirmed in all other respects.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 30th day of August, 2007.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

JSB

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 Office of Commission Clerk, 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.