

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 090002-EG
ORDER NO. PSC-09-0692-PCO-EG
ISSUED: October 16, 2009

ORDER GRANTING REQUEST FOR EXTENSION OF DISCOVERY DEADLINE

Background

By Order No. PSC-09-0184-PCO-EG, issued March 27, 2009, a schedule was established for the hearing and prehearing activities in this docket, including the discovery cutoff date. On October 12, 2009, the Florida Industrial Power User's Group (FIPUG) filed a Motion for Extension of Discovery Deadline (Motion), for FPL only. By email, dated October 13, 2009, FPL responded that it did not object to FIPUG's motion.

This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), 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.

FIPUG's Motion for Extension of Discovery Deadline

In its Motion, FIPUG states that it received discovery responses from Progress Energy Florida, Inc. (PEF) and Florida Power & Light Company (FPL) on October 12, 2009, and that these responses created an additional short set of discovery for FPL. Given the 20 day discovery turn-around time established by Order PSC-09-0184-PCO-EG, FPL would have until October 23, 2009, to respond to this additional discovery. Pursuant to the Order Establishing Procedure, the discovery deadline is October 20, 2009. Therefore, FIPUG requests that the discovery deadline be extended by three additional days until October 23, 2009, for FPL only. FIPUG represents that PEF and Florida Public Utilities Company have no position on this Motion, and the other parties have not provided a position. By email, dated October 13, 2009, FPL responded that it did not object to FIPUG's motion.

Analysis and Decision

Having considered FIPUG's argument, it appears that the Motion for Extension of Discovery Deadline, allowing FPL a full 20 days to respond to FIPUG's final, additional short set of discovery is reasonable and is hereby granted. Accordingly, FIPUG's request for Extension of the Discovery Deadline is hereby granted until October 23, 2009, for FPL only.

Based on the foregoing, it is

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ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the Florida Industrial Power Users Group's Motion for Extension of Discover Deadline is granted as set forth herein. It is further

ORDERED that Order No. PSC-09-0184-PCO-EG is reaffirmed in all other respects.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 16th day of October, 2009.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(S E A L)

KEF/ldh

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 25-22.0376, 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

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appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.