

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to resolve territorial dispute with Gulf Power Company in Okaloosa County by Choctawhatchee Electric Cooperative, Inc. | DOCKET NO. 100304-EU  
ORDER NO. PSC-11-0126-PCO-EU  
ISSUED: February 22, 2011

ORDER GRANTING GULF'S  
EXPEDITED MOTION FOR EXTENSION  
OF TIME TO FILE DIRECT TESTIMONY

The current deadline for filing direct testimony of the parties is February 21, 2011. However, on the afternoon of February 15, 2011, Choctawhatchee Electric Cooperative, Inc. (Chelco) electronically filed Supplemental Responses to Gulf Power Company's (Gulf) First Request for Production of Documents (Item No. 3) and Third Set of Interrogatories (Item No. 55). The Supplemental Responses include a two-page revision to a July 2010 engineering study by Patterson Dewar Engineers, Inc. which was commissioned by Chelco for the specific purpose of determining whether Chelco's existing electric system is capable of handling the load associated with the Freedom Walk Development. The Supplemental Responses also apparently include a CD-ROM containing additional information. Because the CD-ROM was sent by U.S. Mail, Gulf has yet to receive it and review its contents.

The original engineering study was provided by Chelco to Gulf Power on August 3, 2010, in response to Gulf Power's First Request for Production of Documents. However, Chelco's Supplemental Responses revise its original engineering study, and changes significantly the projected load of the Freedom Walk Development upon full build-out.

Gulf alleges that the information contained in Chelco's Supplemental Responses directly impacts a number of specifically identified issues in this proceeding, including: (1) the planned load to be served in the Freedom Walk Development; (2) the necessary facilities and associated costs for Chelco to extend service to the Freedom Walk Development; (3) whether the provision of service to the Freedom Walk Development by Gulf or Chelco will result in uneconomic duplication of existing facilities; and (4) whether each utility is capable of providing adequate and reliable service to the Freedom Walk Development.

In light of the fact that this analysis has now changed, Gulf states that it needs additional time to review the supplemental information – some of which Gulf has yet to even see – and modify its testimony accordingly. Absent an extension, Gulf states that it will be required to mail its direct testimony on Friday, February 18, 2011, which would result in substantial prejudice to Gulf.

Therefore, Gulf respectfully requests that the Commission extend the deadline for the parties to file direct testimony for a period of ten days, i.e., to March 3, 2011. In the alternative, Gulf requests that the Commission stay the deadlines for filing testimony until it has issued a ruling on Gulf Power's pending Motion for Summary Final Order.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Gulf Power has conferred with Chelco and states that while Chelco does not object to the 10-day extension, it does object to the alternative relief of a stay. Also, Commission staff states that it has no objection to a 10-day extension. Based on the testimony due date, Gulf respectfully requests an expedited ruling on this motion.

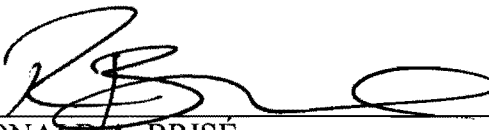
In consideration of the above, Gulf has stated good grounds for the extension of time to prefile direct testimony, and the motion to allow a ten-day extension of time shall be granted, and all prefiled direct testimony of the parties shall be filed on March 3, 2011. Having granted Gulf's Motion for Extension of Time, Gulf's alternative request for a stay is denied at this time.

Based on the foregoing, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that Gulf's Expedited Motion for Extension of Time is granted as set forth in the body of this Order. It is further

ORDERED that Gulf's Alternative Motion for a Stay is denied as set forth in the body of this Order.

By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 22nd day of February, 2011.

  
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RONALD A. BRISÉ  
Commissioner and Prehearing Officer

( S E A L )

RRJ

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