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November 9, 1990

Mr. Steve Tribble, Director
Records and Reporting
Florida Public Service Commission
101 E. Gaines Street
Tallahassee, FL 32399-0863

RE: Docket No. 900796-EI

Dear Mr. Tribble:

Enclosed please find the original and twelve copies of Public Counsel's Motion to Postpone Hearing and Reschedule CASR Dates in the above-referenced docket.

Please indicate receipt by date-stamping the attached copy of this letter and returning it to this office. Thank you for your consideration of this matter.

Sincerely,

John Roger Howe
Assistant Public Counsel

- ACK ✓
- AFA 1
- APP _____
- CAF _____
- CMU _____
- CTR JRH/ch
- Enclosures
- EAG
- LEG w/m
- LIN 6
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10091 NOV -9 1990

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for inclusion of)
Scherer Unit No. 4 purchase in rate)
base, including an acquisition) DOCKET NO. 900796-EI
adjustment by Florida Power & Light) FILED: November 9, 1990
Company)
_____)

MOTION TO POSTPONE HEARING AND RESCHEDULE CASR DATES

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to Rule 25-22.037(2), Florida Administrative Code, move the Florida Public Service Commission to extend the schedule of this proceeding for the following reasons:

1. The expedited schedule being followed by the Commission in this case is unnecessary and prejudicial to the interests of affected parties. In a petition filed September 28, 1990, Florida Power & Light Company asked the Commission to approve its proposed purchase of Georgia Power Company's Scherer Unit No. 4. Although FPL has not asked to change rates, the request for rate base treatment poses all the traditional issues associated with major plant additions, as well as others related to the unit's location in central Georgia and FPL's acceptance of Georgia Power's response to FPL's request for power supply proposals (RFP) to meet its capacity needs.

2. Pursuant to the Case Assignment and Scheduling Record (CASR) dated October 11, 1990, Staff and intervenor testimony is due November 21, 1990, hearings are scheduled for December 11-13, 1990, and the agenda conference vote is scheduled for February 5,

1991. This schedule will not afford parties adequate time to conduct the necessary discovery to identify issues and formulate testimony addressing: (1) FPL's decision to accept Georgia Power's response to FPL's RFP; (2) the prudence of the purchase price; (3) the timing of FPL's purchase in relation to system requirements; (4) the existence of transmission constraints; (4) the scope of FPL's participation in fuel supply decisions; and (4) alternative sources of capacity that may have been obtained at a lower cost.

3. FPL stated in its petition, at pages 3-4, that, if regulatory approval was not received by December 31, 1990, it would purchase unit power capacity through June 30, 1991. The opportunity to purchase Scherer Unit No. 4 pursuant to the letter of intent would be lost only if approval was not obtained in time to permit a first closing by June 30, 1991. Since the Commission will not vote before the end of this year under the current schedule, there is no apparent reason to expedite the process unnecessarily. Even if the Commission agrees that a final decision must be reached in time to permit a first closing by the end of June 1991 (if the petition is granted), it would appear that an agenda vote by June 11, 1990, would be adequate for FPL's purposes.

4. The undersigned attorney has conferred with counsel for FPL who has stated that FPL will respond to this motion.

WHEREFORE, the Citizens of the State of Florida, through the Office of Public Counsel, move the Florida Public Service Commission to extend the hearing dates and all preceding activities

by four months from the dates reflected on the CASR in this docket dated October 11, 1990.

Respectfully submitted,

Jack Shreve
Public Counsel


John Roger Howe
Assistant Public Counsel

c/o The Florida Legislature
111 West Madison Street
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(904) 488-9330

Attorneys for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 900796-EI

I HEREBY CERTIFY that a true and correct copy of the MOTION TO POSTPONE HEARING AND RESCHEDULE CASR DATES has been furnished by U.S. Mail or by *hand-delivery to the following on this 9th day of November, 1990.

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