

IN THE SUPREME COURT
STATE OF FLORIDA

PANDA-KATHLEEN, L.P./PANDA ENERGY CORPORATION,

Appellant,

vs.

FLORIDA PUBLIC SERVICE COMMISSION,
and FLORIDA POWER CORPORATION,

Appellees.

IN RE: Petition For Declaratory Statement
Regarding Eligibility For Standard Offer Contract
And Payment Thereunder By Florida Power
Corporation

950110-EU

CASE NO. 88,280

APPELLANT PANDA-KATHLEEN'S
MOTION TO TOLL TIME

Pursuant to Rule 9.300, Fla. R. App. P., Appellant Panda-Kathleen, L.P./Panda Energy Corporation (Panda-Kathleen) moves to toll the time for serving its initial brief while its unopposed motion for extension of time to serve that brief remains pending before the court.

1. This motion to toll time accompanies Panda-Kathleen's unopposed motion to serve its initial brief on September 26, 1996. That motion is filed based on counsels' inability to prepare a satisfactory brief during the briefing schedule as a consequence of their work schedule and vacation plans.

2. Pursuant to Rule 9.300 of the Florida Rules of Appellate Procedure, the undersigned has consulted with Sylvia Walbolt, Esq., counsel for appellee Florida Power Corporation, and is authorized to state that appellee Florida Power Corporation does not object to this motion. The undersigned has made several attempts to consult with Robert Vandiver, Esq. and Martha Carter-Brown, Esq., counsel for appellee Florida Public Service Commission, but has not received responses to detailed messages. Accordingly, the undersigned cannot state that appellee Florida Public Service Commission does not object to this motion.

DOCUMENT NUMBER-DATE

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AFA _____
APP Smith
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EAG _____
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LIN _____
OPC _____
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SEC 1
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OTH _____

Respectfully submitted,

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Counsel for Panda-Kathleen

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion to toll time was mailed on August 15,

1996, to:

Robert Vandiver, Esq.
Martha Carter-Brown, Esq.
Florida Public Service Commission
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Tallahassee, Florida 32399-0892

PSC Director
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