

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power
cost recovery clause and
generating performance incentive
factor.

DOCKET NO. 970001-EI
ORDER NO. PSC-97-0867-PCO-EI
ISSUED: July 18, 1997

ORDER DENYING MOTION FOR EXTENSION
OF TIME TO FILE REBUTTAL TESTIMONY

On July 15, 1997, Tampa Electric Company (TECO) filed a Motion For Extension of Time To File Rebuttal Testimony in this docket. Pursuant to the Order Establishing Procedure, PSC-97-0794-PCO-EI, July 2, 1997, rebuttal testimony is required to be filed on July 21, 1997. TECO has requested an extension of time 'through and including' July 25, 1997. The request is interpreted to mean that TECO proposes to file its rebuttal testimony on July 28, 1997, the next business day following 25th.

As a basis for its Motion, TECO states that it was unable to set a deposition of a Florida Power & Light witness until July 22, 1997, and in order to respond to evidence which may be adduced at the deposition, the company requires additional time for filing its rebuttal. TECO further states that because Staff filed testimony which introduces new issues, the company needs additional time to respond thereto.

TECO's Motion was not timely filed. Rule 25-22.037(2)(b), Florida Administrative Code, provides parties to a proceeding seven days after service of a written motion to file written memoranda in opposition. The parties time to file responsive pleadings in opposition to the Motion will not run until July 28, 1997, seven days after rebuttal from all parties is due.

It is noted that our procedures provide numerous opportunities, subsequent to the filing of rebuttal testimony, for parties and staff to address issues.

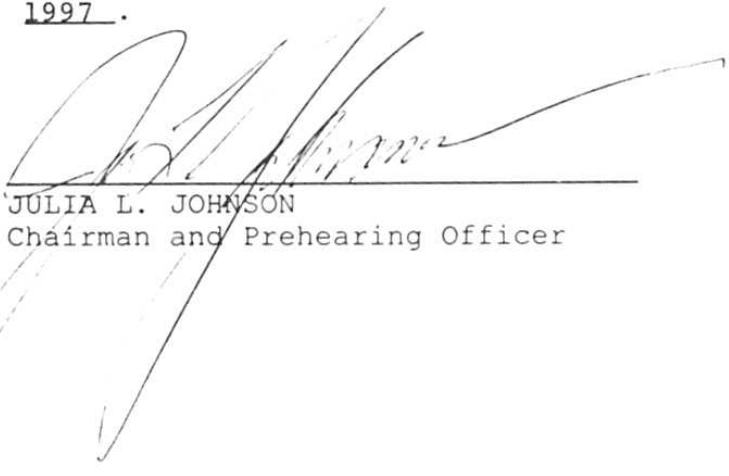
DOCUMENT NUMBER-DATE

07229 JUL 18 97

Based on the foregoing, it is

ORDERED by Chairman Julia Johnson, as Prehearing Officer, that Tampa Electric Company's Motion For Extension Of Time To File Rebuttal Testimony is denied.

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer, this 18th day of July, 1997.



JULIA L. JOHNSON
Chairman and Prehearing Officer

(S E A L)

LJP

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

ORDER NO. PSC-97-0867-PCO-EI
DOCKET NO. 970001-EI
PAGE 3

Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 Director, Division of Records and Reporting, 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.