

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Lee County, Florida	)	
for a Declaratory Statement Concerning	)	DOCKET NO. 970898-EQ
the Conservation Status of Electric	)	
Power and Energy Produced from	)	FILED: SEPT. 2, 1997
Municipal Solid Waste Facilities	)	
<hr/>		

LEE COUNTY'S MOTION FOR ENLARGEMENT OF TIME

LEE COUNTY, FLORIDA ("Lee County"), pursuant to Rule 25-22.037(2), Florida Administrative Code, hereby files this Motion for Enlargement of Time in which to respond to the Memorandum of Law Addressing the Legal Insufficiency of Lee County's Petition filed in this proceeding by Florida Power & Light Company ("FPL") on Monday, August 25, 1997. In support of its Motion, Lee County states as follows.

1. Lee County initiated this docket by filing its Petition for Declaratory Statement on July 17, 1997. FPL filed and served (by hand delivery) its memorandum, together with a motion for leave to file same as amicus curiae, on August 25, 1997. The normal time for Lee County to respond to FPL's motion would expire at the close of business on September 2, 1997.<sup>1</sup>

2. Lee County does not oppose the filing of FPL's memorandum. Lee County does, however, wish to respond to the issues raised therein, and proposes to do so by memorandum, pursuant to Commission Rule 25-22.037(2)(b). Lee County's undersigned counsel was out of town (on business) and otherwise

<sup>1</sup> The Legal Environmental Assistance Foundation ("LEAF") filed a petition to intervene on August 22, 1997. The normal time for Lee County to respond to LEAF's petition will expire on September 11, 1997.

ACK  
AFA  
APP  
CAF  
CMU  
CTR  
EAG  
LEG  
LRS

RECEIVED & FILED  
SEP 2 1997  
EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
08832 SEP-25  
FPSC-RECORDS/REPORTING

fully occupied for most of the period August 22 through 29, and thus did not have time to review FPL's pleadings until Friday, August 29, 1997. As a result, Lee County's counsel was not able to discuss the issues raised therein with appropriate Lee County personnel until Tuesday, September 2, 1997.

3. Lee County respectfully requests that it be given an enlargement of time until the close of business on Friday, September 5, 1997 to file its memorandum. The undersigned has discussed this extension with FPL's counsel and is authorized to represent that FPL does not object to the requested extension.

4. Respecting the Staff's need for sufficient time to analyze Lee County's petition and memo, FPL's memo, and LEAF's petition, Lee County will waive the statutory timeframes for the Commission's response to Lee County's petition for declaratory statement if its motion for enlargement of time is granted.

**WHEREFORE**, Lee County respectfully requests that it be granted an enlargement until the close of business on Friday, September 5, 1997 to file and serve its memorandum in response to FPL's memorandum filed herein.

Respectfully submitted this 2nd day of September, 1997.



ROBERT SCHEFFEL WRIGHT  
Florida Bar No. 96521  
LANDERS & PARSONS, P.A.  
310 West College Avenue (ZIP 32301)  
Post Office Box 271  
Tallahassee, Florida 32302  
Telephone (904) 681-0311  
Telecopier (904) 224-5595

Attorneys for Lee County, Florida

CERTIFICATE OF SERVICE  
DOCKET NO. 970898-EQ

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*) or by United States Mail, postage prepaid, on the following individuals this 2nd day of September, 1997:

Mary Anne Helton, Esquire\*  
Florida Public Service Commission  
Division of Appeals  
2540 Shumard Oak Boulevard  
Room 370, Gunter Building  
Tallahassee, Florida 32399-0850

Gail Kamaras  
Debra Swim  
Legal Environmental Assistance Foundation  
1115 N. Gadsden Street  
Tallahassee, Florida 32303  
Attorneys for LEAF

Charles A. Guyton  
Steel Hector & Davis  
215 South Monroe Street, Suite 601  
Tallahassee, Florida 32301  
Attorneys for Florida Power & Light

  
Attorney