

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Lee County
for declaratory statement
concerning the conservation
status of electric power and
energy produced from the Lee
County Resource Recovery
Facility

DOCKET NO. 970898-EG
ORDER NO. PSC-97-1069-PCO-EG
ISSUED: September 9, 1997

ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME

By petition dated July 17, 1997, Lee County, Florida, seeks a declaratory statement that the electricity and capacity produced from its solid waste Resource Recovery Facility can be considered an energy conservation measure and counted towards meeting the conservation goals of an electric utility.

On August 25, 1997, Florida Power and Light Company (FPL) filed a motion for leave to file an amicus curiae memorandum of law as well as its memorandum of law to address the alleged insufficiency of Lee County's petition for declaratory statement. By motion dated September 2, 1997, Lee County requested an enlargement of time to respond to FPL's motion and memorandum. Lee County's counsel represents that intervening circumstances prevented it from analyzing the FPL pleadings in sufficient time to timely file its response. Lee County requests it be given until Friday, September 5, 1997, to respond. FPL does not oppose this enlargement of time.

Having reviewed the pleading, I find Lee County's motion for enlargement of time is granted. Lee County's response to FPL's memorandum which was filed on September 5, 1997, shall be considered timely filed.

It is therefore

ORDERED that Lee County, Florida's, motion for enlargement of time is granted as discussed above.

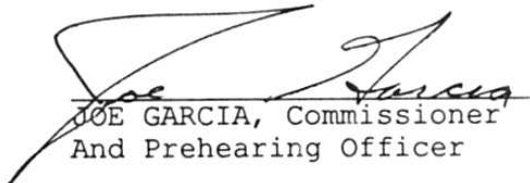
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FPSC-REGAFFS/REPORTING

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By ORDER of Commissioner Joe Garcia, as Prehearing Officer,
this 9th day of September, 1997.



JOE GARCIA, Commissioner
And Prehearing Officer

(S E A L)

MAH

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, 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.