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January 6, 1999

Steel Hector & Davis LLP  
215 South Monroe, Suite 601  
Tallahassee, Florida 32301-1804  
850.222.2300  
850.222.8410 Fax  
www.steelhector.com

Jonathan E. Sjoström

**Via Hand Delivery**

Blanca S. Bayó, Director  
Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Room 110  
Tallahassee, Florida 32399-0850

**Re: Adoption of Numeric Conservation  
Goals by Florida Power & Light Company  
Docket No. 971004-EG**

Dear Ms. Bayó:

Enclosed please find the original and fifteen (15) copies of Florida Power & Light Company's Response to LEAF's Motion to Extend Discovery Schedule and Filing Date for LEAF's Testimony & Exhibits in Docket No. 971004-EG.

If you or your staff have any questions regarding this transmittal, please contact me at 222-2300.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
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*[Signature]*  
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Very truly yours,

*[Signature: Charles A. Guyton]*  
Charles A. Guyton

EAG *[Signature]*  
LEG 1 cc: All Parties of Record  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Adoption of Numeric Conservation Goals )      Docket No. 971004-EG**  
**for Florida Power & Light Company            )      Filed: January 6, 1999**

**RESPONSE OF FLORIDA POWER & LIGHT COMPANY  
TO LEAF'S MOTION TO EXTEND DISCOVERY SCHEDULE AND  
FILING DATE FOR LEAF'S TESTIMONY & EXHIBITS**

Pursuant to Florida Administrative Code Rule 28-106.204(1), Florida Power & Light Company ("FPL") files this response to the Motion to Extend Discovery Schedule and Filing Date for LEAF's Testimony & Exhibits filed by the Legal Environmental Assistance Foundation, Inc. ("LEAF") on December 30, 1998.

1. The more than five plus month extension sought by LEAF in this and companion dockets is unreasonable. FPL has informed LEAF that it does not oppose a modest extension, and FPL has previously worked with and will continue to work with LEAF to process reasonable discovery to facilitate the timely trial of this case. However, the five plus month extension sought by LEAF will seriously delay the already extensive and laborious process the Commission's rule regarding DSM goals and programs has established. It will significantly delay the hearing and the decision on goals, and it will defer the date DSM program modifications based on new goals will take effect.

2. Establishing new DSM goals for Florida's utilities is only a part of the overall process of establishing new DSM programs. Under the current schedule, new DSM programs will not be in place in a timely fashion. Either they will be based upon a dated planning process at the time

the program changes are made, or they will be based upon a new planning process that was not used to establish the goals. Further delay as suggested by LEAF exacerbates this problem and runs the risk of establishing goals which may be close to two planning processes removed from any program modifications ultimately approved. Consequently, before considering an extension, consider whether there is a compelling need to significantly extend an already incredibly long, resource consuming process so that LEAF may be afforded an opportunity to develop an alternative planning process.

3. FPL does not oppose a modest extension for LEAF, as it has already informed LEAF. However, the five plus month extension sought is unwarranted. LEAF has already identified through discovery all the documents FPL will rely upon in developing its DSM goals. FPL has agreed to make those documents available to LEAF when FPL files its goals proposal - the time at which the documents are no longer working documents. Much of the information LEAF suggests it may need to elicit through discovery will be part of FPL's goals filing. The remaining information necessary for LEAF to review FPL's filing and propose alternatives will be available to LEAF at the time of the filing. Therefore, four months to review FPL's filing and conduct discovery is not reasonable.

4. LEAF also asks for two additional months to conduct its own analysis. First, it should be noted that an alternative analysis may not be necessary, and LEAF should not presume it will be. Second, if LEAF already knows that an alternative analysis will be necessary, then it could already be performing such an analysis and be prepared to compare its results with those of FPL and other utilities.

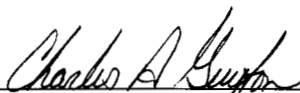
5. LEAF's request for an additional three weeks to prepare testimony is also unjustified. LEAF could prepare most of its testimony contemporaneously with any analysis it will be performing.

6. A modest extension of several weeks that does not put the hearing at jeopardy and which extends other dates in the schedule may be warranted. However, LEAF's enormous extension request is simply not justifiable. Therefore, FPL told LEAF that it opposed its motion and urges the Commission to deny the motion and consider more modest relief if it is so inclined.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP  
215 South Monroe Street  
Suite 601  
Tallahassee, FL 32301  
(850) 222-2300

Attorneys for Florida Power  
& Light Company

By:   
Charles A. Guyton

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Response to LEAF's Motion to Extend Discovery Schedule and Filing Date for LEAF's Testimony & Exhibits were served by Hand Delivery (when indicated with an \*) or mailed this 6th day of January, 1999 to the following:

Leslie Paugh, Esquire\*  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Gunter Building, Room 370  
Tallahassee, Florida 32399-0850

Kenneth Hoffman, Esquire  
Rutledge, Ecenia, Underwood,  
Purnell & Hoffman  
215 South Monroe, Suite 420  
Tallahassee, Florida 32301

McWhirter Law Firm  
Vicki Kaufman, Esquire  
117 South Gadsden Street  
Tallahassee, Florida 32301

Legal Environmental Assistance  
Foundation  
Gail Kamaras  
1114 Thomasville Road, Suite E  
Tallahassee, Florida 32301

McWhirter Law Firm  
John McWhirter, Esquire  
Post Office Box 3350  
Tampa, Florida 33601-3350

Jeffrey A. Stone, Esquire  
Beggs & Lane  
Post Office Box 12950  
Pensacola, Florida 32576-2950

Lee L. Willis, Esquire  
James D. Beasley, Esquire  
Ausley & McMullen  
227 South Calhoun Street  
Tallahassee, Florida 32301

James A. McGee, Esquire  
Florida Power Corporation  
Post Office Box 14042  
St. Petersburg, Florida 33733

Jack Shreve, Esquire  
Office of Public Counsel  
111 West Madison Street  
Tallahassee, Florida 32399

Mollie Lampi, Esquire  
Pace University Energy Project  
122 South Swan Street  
Albany, New York 12110

  
\_\_\_\_\_  
Charles A. Guyton