

IN THE SUPREME COURT OF THE STATE OF FLORIDA

In Re: Petition for Declaratory Statement that Commission's Approval of Negotiated Contract for Purchase of Firm Capacity and Energy between Florida Power Corporation and Metropolitan Dade County, Order No. 24734, Together with Order Nos. PSC-97-1437-F0F-EQ, Rule 25-17.0832, F.A.C., and Order No. 24989, Establish that Energy Payments thereunder, including when Firm or As-Available Payment is Due, Are Limited to Analysis of Avoided Costs based upon Avoided Unit's Contractually-Specified Characteristics.

980283  
980509

FLORIDA POWER CORPORATION,

Appellant,

vs.

Case No. 94,664

FLORIDA PUBLIC SERVICE COMMISSION,

Agency/Appellee; and

MIAMI-DADE COUNTY and MONTENAY-DADE, LTD.,

Intervenors/Appellees.

REQUEST TO TOLL TIME

Appellees/Intervenors, MIAMI-DADE COUNTY, FLORIDA ("DADE") and MONTENAY-DADE, LTD. ("MONTENAY"), request a tolling of

AFA \_\_\_\_\_ applicable time herein. DADE and MONTENAY have filed a Motion  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_ for Consolidation of this appeal with Case No. 94,665, as has the  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_ Appellee/Intervenor LAKE COGEN in Case No. 94,665. DADE and  
LEG \_\_\_\_\_  
MAS \_\_\_\_\_ MONTENAY have also filed a Motion to Supplement the Record of  
OPC \_\_\_\_\_  
RRR \_\_\_\_\_ this case, which supplementation DADE and MONTENAY contemplate  
SEC \_\_\_\_\_  
WAW \_\_\_\_\_  
OTH \_\_\_\_\_

would be applicable to the consolidated cases if the motions to consolidate are granted. The Motion to Supplement has been furnished to opposing counsel, who have raised some questions regarding the materials with which we have moved to supplement the record; pending resolution of those questions, opposing counsel are unable to state whether they will agree to the requested supplementation. The motions to consolidate have also been furnished to opposing counsel, but we do not yet know their position with respect to the motions to consolidate.

Appellee/Intervenor LAKE COGEN has also requested a tolling of applicable time, which the Court has granted.

Due to the pendency of the motions to consolidate and of the Motion to Supplement the Record, DADE and MONTENAY request a tolling of applicable time herein until the Court disposes of the motions to consolidate and the Motion to Supplement the Record.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail to Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; Richard C. Bellak, Division of Appeals, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; John Beranek and Lee L. Willis, Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida 32301; Sylvia H. Walbolt, Chris C. Coutroulis, Robert L. Ciotti, and Joseph H. Lang, Jr., CARLTON FIELDS, 200 Central Avenue, Suite 2300, St. Petersburg, Florida 33701; John R. Marks III, Knowles, Marks &

Randolph, P.A., 215 South Monroe Street, Suite 130, Tallahassee, Florida 32301; Rodney E. Gaddy and James A. McGee, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733; and Marylin E. Culp and Jodi L. Corrigan, Annis, Mitchell, Cockey, Edwards & Roehn, P.A., P.O. Box 3433, Tampa, Florida 33601, this 3rd day of May, 1999.

Respectfully submitted,



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Florida, and Montenay-Dade, Ltd.,  
Intervenors/Appellees