

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF FLORIDA

FLORIDA POWER CORPORATION,

Appellant,

vs.

Case No. 94,665 and
Case No. 94,664
CONSOLIDATED

FLORIDA PUBLIC SERVICE COMMISSION,

Agency/Appellee,

980283-EQ

LAKE COGEN, LTD.

980509-EQ

Intervenors/Appellees.

**FLORIDA POWER CORPORATION'S
UNOPPOSED MOTION FOR EXTENSION OF TIME**

Appellant, Florida Power Corporation ("FPC"), by its undersigned counsel, moves this Court, in accordance with Florida Rule of Appellate Procedure 9.300, for a 30-day extension of time, within which to serve its Reply Brief in this cause, and in support thereof states:

1. Pursuant to this Court's May 18, 1999 Order, the appeal styled *Florida Power Corporation v. Garcia*, Case No. 94,664, is consolidated with *Florida Power Corporation v. Garcia*, Case No. 94,665, for purposes of scheduling oral argument and decision.

2. Appellant's Reply Brief in Case No. 94,665 (the "Lake Appeal") is due to be served on Friday, July 2, 1999.

3. In addition to this proceeding, FPC and Appellees Metropolitan Dade County and Montenay-Dade, Ltd. (the parties in the "Dade Appeal") are involved in related litigation in both the state and federal courts. The parties have reached an agreement in principle to settle those related disputes, which, when finalized, will be submitted to the Florida Public Service Commission for approval. These settlement discussions may impact this appeal either in its

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entirety or with regard to the parties which will remain with an interest in this action. The settlement is not yet finalized and documented.

4. The settlement of the related state and federal disputes could have a material effect on the resolution of this appeal.

5. At this time, for purposes of judicial economy, the briefing schedules of these consolidated appeals should proceed at the same pace.

6. It remains undetermined at this time whether this appeal will be dismissed in its entirety or whether the two consolidated cases may ultimately need to be severed so that each appeal will proceed at its own pace. In either event, an extension of time for filing the Reply Brief will not prejudice any of the parties involved.

7. Counsel for Appellant is also engaged in other legal matters which have consumed substantial amounts of time and which also necessitate additional time for serving a Reply Brief.


8. This request for an extension of time is made in good faith, is not made for the purpose of unnecessary delay, and will not prejudice the rights of any party.

9. Counsel for Appellant has conferred with Counsel for all parties, and counsel for all parties have advised that there is no objection to this requested extension.

WHEREFORE, Appellant, Florida Power Corporation, requests that this Court enter an order granting a 30-day extension of time in which to serve its Reply Brief.

Respectfully submitted,


Rodney Gaddy FBN 314943
James A. McGee FBN 150483
FLORIDA POWER CORPORATION


Jodi L. Corrigan FBN 901570
Marilyn E. Culp FBN 558303
ANNIS, MITCHELL, COCKEY,
EDWARDS & ROEHN, P.A.
Post Office Box 3433
Tampa, Florida 33601
Counsel for Florida Power Corporation
(813) 229-3321
(813) 223-9067 (FAX)

CERTIFICATE OF SERVICE

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 32349-9850; Richard C. Bellack, 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; John R. Marks, III, Knowles, Marks & Randolph, P.A., 215 South Monroe Street, Suite 130, Tallahassee, Florida 32301; Robert Scheffel Wright and John T. LaVia, III, Landers & Parsons, 310 West College Avenue, Post Office Box 271, Tallahassee, Florida 32302, Gail P. Fels, Office of the County Attorney, Dade County Aviation Division, Post Office Box 592075 AMF, Miami, Florida 33159 and Sylvia H. Walbolt, Carlton, Fields, Ward,

Emmanuel, Smith & Cutler, P.A., Post Office Box 3239, Tampa, Florida 33601-3239 this 24th
day of June, 1999.



Attorney

6658-007/660296