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September 3, 1999

Blanca S. Bayó, Director
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Florida Public Service Commission
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By Hand Delivery

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RECORDS AND REPORTING

Re: DOCKET NO. 981890-EU

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") in Docket No. 981890-EU are the original and fifteen (15) copies of Motion for Extension of Time to File Rebuttal Testimony.

If you or your staff have any questions regarding this filing, please contact me.

Very truly yours,



Charles A. Guyton

Enclosure

cc: Parties of Record

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG 1
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MAS _____
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FPSC RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Generic Investigation) DOCKET NO. 981890-EI
Into the Aggregate Electric)
Utility Reserve Margins Planned) DATE: September 3, 1999
for Peninsular Florida)

FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR EXTENSION OF TIME
TO FILE REBUTTAL TESTIMONY

Florida Power & Light Company ("FPL"), pursuant to Florida Administrative Code Rule 28-106.204 (without waiving its continued position that the conduct of this investigation as a proceeding to determine substantial interests is improper) moves that the Commission extend the rebuttal testimony filing date in this proceeding from September 13, 1999 to October 4, 1999. As grounds for this motion FPL states:

1. FPL believes it has been prejudiced in this proceeding by the Commission deciding to conduct this investigation as a proceeding to determine substantial interests under Section 120.57, Florida Statutes. FPL has not been informed of the Commission's proposed agency action, as is contemplated by Section 120.57 and the Uniform Rules, so it is attempting to protect whatever interests it may have determined or injured as a result of this proceeding as best it can without notice of the Commission's

intended actions.

2. FPL is now further prejudiced by being confronted with adversarial Staff testimony filed on a schedule that gives a special status to Staff. The schedule giving the Staff special status was set forth in a procedural order drafted by the legal staff that filed the testimony. The order giving Staff special status was entered after a status conference where a common date for filing testimony was discussed and no party stated an objection to the idea of a common filing date. Despite this seeming agreement among the parties, the order suggested by the Commission legal Staff and approved by the Prehearing Officer called for all parties except the Commission Staff to file testimony on August 16, 1999, and it permitted Staff to file testimony 15 days later on August 31, 1999, having the benefit of reviewing the testimony of other parties.

3. Rebuttal testimony addressing all testimony is now scheduled for September 13, 1999. That means parties wishing to rebut FPL and other parties have been given 28 days for their rebuttal testimony preparation, but parties desiring to rebut Staff are given only 13 days. The special status accorded the Staff in the procedural schedule is not justified, and FPL is prejudiced by having less time to rebut Staff's adverse testimony than parties are given to rebut FPL's testimony.

4. FPL has requested a three week extension for all rebuttal testimony to secure the time needed to address Staff's and other parties' direct testimony. Staff's testimony is deceptively brief. It is conclusory, and the supporting data given refers to other data relied upon that is not disclosed. Unraveling the Staff's data sources, the analyses they performed to reach their conclusions, and any other bases for their conclusory statements will take time and discovery. The current schedule does not permit time for such discovery. The discovery necessary to understand what the Staff has done and what they rely upon to reach their conclusions cannot be undertaken and completed in 13 days. FPL certainly cannot conduct the discovery and prepare rebuttal testimony in that period of time. Staff has had since April 1, when Ten Year Site Plans were filed, and the benefit of massive discovery, both informal and formal, to prepare their testimony. FPL needs more than 13 days to respond.

5. FPL's initial cursory review of the Staff testimony reflects that the Staff has proposed a reliability standard that ignores historic Commission reliance on an LOLP reliability standard and which rejects long-standing Commission practice. It will take some time to review Commission orders for inconsistency with the Staff's recommendation. Thirteen days is not sufficient time to undertake this desirable review.

6. Finally, Staff has injected into its testimony matters regarding merchant plants, even though that is the subject of a separate Commission inquiry and has been dropped from the scope of this proceeding. FPL needs additional time to determine whether to seek a Commission ruling on the appropriateness of such testimony in this proceeding and whether to respond to this attempted expansion of the scope of this case.

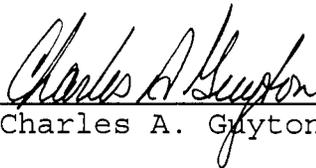
7. An extension of time to file rebuttal testimony will not prejudice any party to this proceeding. The current schedule calls for the filing of rebuttal testimony on September 13th, over 7 weeks before the hearing is scheduled. FPL's three week extension until October 4th, would still result in rebuttal testimony being filed more than 4 weeks prior to hearing. Every party will have adequate time to prepare for hearing, and the Commission will be better served by rebuttal testimony that is not hastily prepared without a thorough review of Staff's conclusions.

8. FPL has attempted to consult the parties to this proceeding. Florida Power Corporation does not object to the extension. FIPUG does not object as long as the deadline for all rebuttal is extended 3 weeks (that is what FPL seeks). LEAF cannot assess their position at this time. The Duke entities object to the extension unless some provision is made for expedited discovery related to rebuttal testimony. FPL has been unable to reach any of the other parties to this proceeding to discuss the motion.

WHEREFORE, FPL respectfully moves that the Commission extend the rebuttal testimony filing deadline in this proceeding by three weeks from September 13th to October 4, 1999.

Respectfully submitted,

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By: 
Charles A. Gayton

**CERTIFICATE OF SERVICE
DOCKET NO. 981890-EU**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Motion for Extension of Time to File Rebuttal Testimony was furnished by Hand Delivery* or U.S. Mail this 3rd day of September, 1999 to the following:

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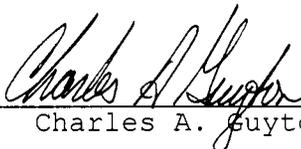
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