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RECORDS AND  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination )  
of Need for an Electrical Power )  
Plant in Okeechobee County by )  
Okeechobee Generating Company, )  
L.L.C. )  
\_\_\_\_\_ )

DOCKET NO. 991462-EU

Submitted for filing: October 19, 1999

FLORIDA POWER CORPORATION'S  
MOTION TO EXPEDITE DISCOVERY

Pursuant to Florida Administrative Code Rule 28-106.205, Florida Power Corporation ("FPC") moves the Commission to expedite discovery to the petitioner in Docket No. 991462-EU such that the petitioner's complete responses (i.e., not just objections) are due no later than ten (10) days from service of any discovery requests. As grounds for its motion, FPC states as follows:

1. This case is on an extremely accelerated schedule. Okeechobee Generating Company, L.L.C. ("OGC") filed its petition for a determination of need for a nominal 550 MW "merchant plant" on September 24, 1999. The Commission's hearing on this matter is scheduled for December 6, 7, and 8, 1999, just over 10 weeks after the filing of the petition. Moreover, the discovery cut-off is scheduled for December 1, 1999, less than 7 weeks from the date of this

\_\_\_\_\_ motion.

2. As explained fully in its Petition to Intervene, FPC is a proper party to this proceeding. FPC, however, cannot even hope to participate meaningfully in this proceeding unless it is permitted to obtain discovery on an expedited basis. At present, OGC is scheduled to file its pre-filed testimony on October 25, 1999. Intervenors such as FPC must file their

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FPSC-RECORDS/REPORTING

testimony by November 8, 1999 – less than 3 weeks from today. FPC will be serving written discovery simultaneously with this motion. Yet, OGC's response under the usual time-frame would not be due until November 17, 1999 – after the due date for FPC's testimony. And, any responses to any follow-up requests by FPC would not be due until after the date of the presently scheduled hearing.

4. In view of these pressing time constraints, FPC seeks to expedite OGC's responses to discovery so that they are provided within ten (10) days of the date of service. This shortened response time may permit FPC to obtain discovery (and any follow-up written discovery or depositions) necessary to the preparation of its case. Whereas under the present schedule in this case, FPC will be hard-pressed to conduct discovery in a reasonable and orderly fashion, and as a result its ability to protect its substantial interests will be impaired.


5. OGC should not be prejudiced by the relief that FPC seeks. The proposed discovery concerns issues central to the project that OGC is asking the Commission to approve, and relates for the most part to issues and assertions that OGC has made in its petition and supporting materials. Moreover, OGC chose the time to file its petition, triggering the Commission's rule for dispositions of need proceedings, and must be deemed to be prepared to participate fully and expeditiously in making available information and materials relating to the issues raised by its petition. As explained more fully in FPC's petition for a waiver of the rule setting forth the time limits applicable to this proceeding, OGC was under no time pressure to initiate this proceeding now. The fact that it has done so must be taken as an indication that it has assembled all documents and information pertinent to its petition.

WHEREFORE, FPC requests that the Commission enter an order requiring petitioner, OGC, to respond to all discovery requests within ten (10) days of the date of service of any discovery requests by the intervenors.

Respectfully submitted,

FLORIDA POWER CORPORATION

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Florida Power Corporation's Motion to Expedite Discovery has been furnished by facsimile and U.S. Mail to Robert Scheffel Wright and John Moyle as counsel for Okeechobee Generating Company, L.L.C. and by U.S. Mail to all other counsel of record as follows this 19<sup>th</sup> day of October, 1999.

  
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