

# MCWHIRTER REEVES

ATTORNEYS AT LAW

TAMPA OFFICE:  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602-5126  
P.O. BOX 3350 TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 Fax

PLEASE REPLY TO:  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 Fax

February 3, 2000

## VIA HAND DELIVERY

# ORIGINAL

Blanca S. Bayo, Director  
Division of Records and Reporting  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida 32399-0870

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RECORDS AND  
REPORTING

Re: Docket Number 992014-EI

Dear Ms. Bayo:

I am enclosing for filing and distribution in the above-referenced matter the original and 15 copies of Reliant Energy Power Generation Inc.'s:

- ▶ Motion to Revise Testimony Schedule and to Expedite Discovery Responses.

Please acknowledge receipt of the above on the extra copy of the petition for return to my office.

Thank you for your assistance.

Yours truly,

Joseph A. McGlothlin

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DOCUMENT NUMBER-DATE  
01563 FEB-38

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Tampa Electric Company's  
Petition for Approval of its Plan to  
bring its Generating Units into  
Compliance with the Clean Air Act.

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DOCKET NO. 992014-EI  
Filed on February 3, 2000

**RELIANT ENERGY POWER GENERATION, INC.'S**  
**MOTION TO REVISE TESTIMONY SCHEDULE**  
**AND TO EXPEDITE DISCOVERY RESPONSES**

Pursuant to rule 28-106.206, Florida Administrative Code, Reliant Energy Power Generation, Inc. (Reliant Energy) moves for an order revising the filing dates for prefiled testimony, as follows:

- 1) Change the due date of intervenor testimony from February 24<sup>th</sup> to March 15, 2000;
- 2) Change the due date of staff testimony from March 9<sup>th</sup> to March 29, 2000;
- 3) Change the due date of rebuttal testimony from March 23<sup>rd</sup> to April 12, 2000.

Additionally, Reliant Energy moves for an order requiring TECO to provide answers and requested documents within twenty (20) days of receiving discovery requests.

**SUPPORTING MEMORANDUM**

In its petition and testimony, TECO bases its request on assertions that are built on assumptions that are, in view of the dearth of information provided, unsubstantiated assertions. TECO's arguments are technical in nature. They require extensive discovery and analysis. For example, TECO asserts that the purchased power alternative should not be pursued because of alleged "transmission impacts" in the form of capital expenditures for voltage support; wheeling charges; and transmission line losses. In addition, TECO claims that the purchased power alternative should receive a "25 per cent adjustment," based on alleged increases in "financial risk." Both the justification for the "penalty" and the manner of its application to increase revenue requirements call for detailed evaluation prior to the submission of related testimony. In short, TECO's "conclusion" regarding the relative merits of the alternative of purchased power flows from such assumption-

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driven calculations as production costing simulations, transmission studies, and questionable “penalties” – all of which must be tested, and none of which is developed beyond bare conclusions in TECO’s submissions.

TECO’s testimony was filed on January 27, 2000. Intervenors’ testimony is presently due on February 24, 2000, less than a month later. Reliant Energy has served initial interrogatories and document requests related to the issues in the case, but under the existing schedule Reliant Energy will not have the benefit of answers to even these first interrogatories or document requests in time to analyze the data before its testimony must be completed. Such a compressed time frame is prejudicial. Further, under the circumstances of this case, the cramped schedule is as unnecessary as it is unreasonable. Under the existing schedule, rebuttal testimony – the final phase of case preparation – is due approximately six weeks prior to the Prehearing Conference and nearly nine weeks prior to the hearing. Even if one accepts TECO’s premise that its proposal is legitimately governed by the statutory “clock” within Section 366.825, F.S. – and Reliant Energy does not concede that is the case – there is simply no reason to compress discovery and the critical elements of case preparation so early in the period of time available in the existing schedule. On the other hand, there is every reason not to do so. Not only is the existing schedule unreasonable and prejudicial; it will prevent the Commission from receiving the information it needs to assess TECO’s billion dollar proposal meaningfully. Importantly, the revised dates sought by Reliant Energy do not impinge on the existing dates for the Prehearing Conference and the evidentiary hearing. The Commission frequently amends procedure schedules to meet the exigencies of individual circumstances, and the Order on Procedure contemplates it may do so in this case. (See Order PSC-00-0122-PCO-EI dated January 14, 2000, at page 5).

In conjunction with the extension of procedural deadlines, Reliant Energy requests that the response time for discovery – including Reliant Energy’s pending discovery – be shortened from thirty (30) days to twenty (20) days. In the Order on Procedure (PSC-00-0128-FOF-TP), the Prehearing Officer has required that objections be provided within ten (10) days; to date, however, the response time of thirty (30) days provided by rule has not been modified. In a case that has been

structured by TECO to invoke a statutory deadline – therefore putting pressure on the Commission and parties – it is reasonable to require TECO to help accommodate parties’ legitimate discovery needs through expedited responses. In that TECO has already formulated its case, the shortened time for response is not an undue burden on TECO. Given the technical complexity of TECO’s rationales and the significance of its request, this measure is also needed to provide parties a more adequate opportunity to prepare for the hearing. The Commission has authority to do so. Rule 28-106.206, Florida Administrative Code.

**WHEREFORE**, Reliant Energy requests the Commission to modify the case schedule and the time frame for responding to discovery, as set forth herein.

  
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Joseph A. McGlothlin  
McWhirter, Reeves, McGlothlin,  
Davidson, Decker, Kaufman,  
Arnold & Steen, P.A.  
117 South Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 222-2525  
Telecopy: (850) 222-5606  
e-mail: jmcglothlin@mac-law.com

Michael G. Briggs, Senior Counsel  
Reliant Energy Power Generation, Inc.  
P.O. Box 61867 (77208-1867)  
1111 Louisiana Street-43rd Fl.  
Houston, Texas 77002  
Telephone: (713) 207-7234  
Telecopier: (713) 207-0141  
e-mail: michael-briggs@reliantenergy.com

Attorneys for Reliant Energy Power Generation, Inc.

**CERTIFICATE OF SERVICE**


I HEREBY CERTIFY that a true copy of the foregoing, filed on behalf of Reliant Energy Power Generation, Inc., has been furnished by U.S. mail and by hand-delivery\* on this 3<sup>rd</sup> day of February, 2000 to the following:

\*Robert Elias  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Gail Kamaras/Debra Swim  
Legal Environmental Assistance Foundation  
1114 Thomasville Road, Suite E  
Tallahassee, FL 32303

\*Lee L. Willis  
James D. Beasley  
Ausley & McMullen  
227 South Calhoun Street  
Tallahassee, FL 32301

Office of Public Counsel  
Jack Shreve and Roger Howe  
c/o The Florida Legislature  
111 W. Madison St., #812  
Tallahassee, FL 32399-1400

  
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Joseph A. McGlothlin