

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
ORDER NO. PSC-00-0290-PCO-EU
ISSUED: February 11, 2000

ORDER REVISING PROCEDURAL SCHEDULE AND CERTAIN PROCEDURAL
GUIDELINES

By Order No. PSC-99-2002-PCO-EU, issued October 13, 1999, a procedural schedule was established, setting forth the controlling dates for this docket. To accommodate Florida Power & Light Company (FPL) and Florida Power Corporation's (FPC) requests for an extension of time to file intervenor testimony in this docket, the procedural schedule for this docket was revised in Order No. PSC-99-2165-PCO-EU, issued November 8, 1999.

Pursuant to Order No. PSC-99-2002-PCO-EU, the hearing in this docket was scheduled for December 6-8, 1999. By Order No. PSC-99-2438-PAA-EU, issued December 13, 1999, this Commission granted FPC's petition for waiver of the scheduling requirements contained in Rule 25-22.080(2), Florida Administrative Code, and request for stay of this proceeding. In that Order, the Commission found that this proceeding should only be stayed for an amount of time adequate for the parties to fully prepare for hearing, and established that the Prehearing Officer has the discretion to set hearing dates and a prehearing schedule that will allow the parties adequate time to prepare. As a result, the hearing in this docket was rescheduled for March 20-22, 2000. This Order establishes new controlling dates for this proceeding to reflect the new hearing schedule and establishes additional procedural guidelines to govern the parties.

The following controlling dates shall replace those dates set forth in Orders Nos. PSC-99-2002-PCO-EU and PSC-99-2165-PCO-EU to govern this proceeding:

- | | | |
|----|--------------------------|-------------------|
| 1) | Intervenor Testimony* | February 18, 2000 |
| 2) | Staff Testimony, if any* | February 18, 2000 |
| 3) | Prehearing Statements | February 25, 2000 |
| 4) | Prehearing Conference | March 3, 2000 |

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- 5) Rebuttal Testimony* March 3, 2000
- 6) Hearing March 20-22, 2000
- 7) Briefs April 10, 2000

*Intervenor Testimony and any Staff Testimony related to or responsive to the prefiled direct testimony of Okeechobee Generating Company, L.L.C. witness Dale M. Nesbitt shall be filed February 28, 2000. Rebuttal Testimony addressing Intervenor and any Staff Testimony filed February 28, 2000, shall be filed March 10, 2000.

Certain procedures set forth in Orders Nos. PSC-99-2002-PCO-EU and PSC-99-2165-PCO-EU shall be modified to govern this proceeding. First, all parties shall serve discovery requests by hand delivery, facsimile transmission, or express courier service. Second, intervenors and staff, if staff files any testimony, shall serve responses to discovery requests related to their prefiled testimony by hand delivery, facsimile transmission, or express courier service by the 14th day following receipt of the discovery requests. Petitioners shall serve responses to discovery requests by hand delivery, facsimile transmission, or express courier service by the 20th day following receipt of the discovery requests. Any objections to any discovery requests shall be served by the same means by the 7th day following receipt of the request. Third, intervenor and any staff witnesses shall be made available for deposition on a reasonable basis between the date their testimony is filed and the date that responsive rebuttal testimony is due to be filed pursuant to the procedural schedule set forth above. Rebuttal witnesses shall be made available for deposition on a reasonable basis between the date that their rebuttal testimony is filed and March 17, 2000. Fourth, all Intervenor Testimony, any Staff Testimony, and Rebuttal Testimony shall be served by hand delivery, facsimile transmission, or express courier service. Finally, the discovery deadline for this docket shall be March 17, 2000.

This Order is entered pursuant to the authority granted in Rule 28-106.206, Florida Administrative Code, to effectuate the purposes of discovery and to prevent delay in this proceeding.

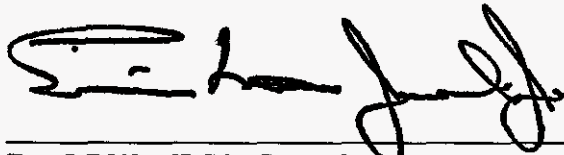
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Based upon the foregoing, it is hereby

ORDERED by Commissioner E. Leon Jacobs, Jr., as Prehearing Officer, that the controlling dates and certain procedures previously established for this docket in Order No. PSC-99-2002-PCO-EU, issued October 13, 1999, and in Order No. PSC-99-2165-PCO-EU, issued November 8, 1999, are hereby revised as set forth in the body of this Order. It is further

ORDERED that all other aspects of Order No. PSC-99-2002-PCO-EU are hereby reaffirmed as controlling in this docket.

By ORDER of Commissioner E. Leon Jacobs, Jr., Prehearing Officer, this 11th day of February, 2000.



E. LEON JACOBS, JR.
Commissioner and Prehearing Officer

(S E A L)

WCK/SAC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.