

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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  
REPORTING AND  
FILED: FEBRUARY 15, 2000

UNOPPOSED MOTION FOR REVISED  
PROCEDURAL SCHEDULE

Okeechobee Generating Company, L.L.C., ("OGC"), pursuant to Rule 28-106.204, Florida Administrative Code, hereby requests that the Prehearing Officer revise the procedural schedule in this proceeding regarding the date of production of the Altos Models, the date that Intervenors' testimony concerning the economic issues addressed in the Altos Models is due, and the date that OGC's rebuttal testimony concerning any of Intervenors' economic testimony is due.

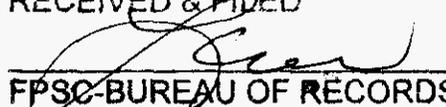
In summary, OGC is proposing an approximate day-for-day extension of the procedural schedule set forth in the Commission's Order Revising Procedural Schedule and Certain Procedural Guidelines (PSC-00-0290-PCO-EU, Feb. 11, 2000) (the "Revised Scheduling Order") to account for the logistical impossibility of making the Altos Models available on February 15, 2000. In

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 9/17/00
- LEG 2
- MAS 5
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC 1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

support of this revised procedural schedule, OGC states:

1. On February 7, 2000, the Prehearing Officer in this matter allowed oral argument from OGC, Florida Power & Light Company ("FPL") and Florida Power Corporation ("FPC") concerning a number of pending discovery disputes and concerning pending

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procedural matters. On the afternoon of February 11, 2000, the Prehearing Officer issued the Revised Scheduling Order and an Order on Intervenors' Motions to Compel, Petitioner's Motions to Protective Order, and Motion for Leave to File Additional Interrogatories (the "Discovery Order"). With regard to production of the Altos Models, the Discovery Order provides that OGC shall make the Altos Models available both on a computer at the Commission and a computer at Altos' offices in San Jose, California no later than Tuesday, February 15, 2000. Discovery Order at 6.

2. Shortly after receiving the Discovery Order, counsel for OGC contacted Altos personnel and learned that due to prior commitments, the requisite Altos personnel are physically unable to provide the Altos Models by February 15, 2000. By letter dated February 14, 2000, OGC informed the parties of record<sup>1</sup> of the impossibility of providing the Altos Models on February 15, 2000. (A copy of OGC's February 14, 2000 correspondence is attached hereto as Exhibit A.) As an alternative, OGC proposed certain revisions to the procedural schedule with respect to production of the Altos Models and subsequent events, i.e., the filing of Intervenor testimony and the filing of OGC's rebuttal testimony. Based upon further conversations with counsel for FPL, FPC, TECO,

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<sup>1</sup>OGC faxed the letter to counsel for FPL, FPC, Tampa Electric Company ("TECO") and Commission Staff in the late morning or early afternoon of February 14, 2000.

and the Commission Staff, at FPL's request, OGC has agreed to slight modifications of the dates set forth in the February 14 letter. The revised dates for which OGC seeks approval are as follows:

Training Sessions on MarketPoint and the Altos NARE and NARG Models at the Commission:

Monday, Feb. 21 and Tuesday, Feb. 22.

Models Available at the Commission:

Monday, Feb. 21

Models Available at Altos San Jose Offices:

Wednesday, Feb. 23

Intervenor Testimony (concerning economic issues):

Tuesday, March 7

OGC Rebuttal Testimony (concerning economic issues):

Wednesday, March 15

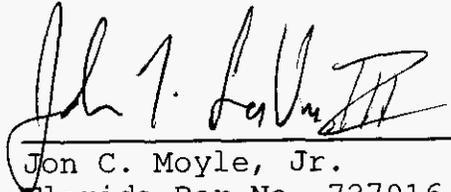
The revisions proposed by OGC provide the parties in this docket an approximate day-for-day extension of the procedural schedule set forth in the Revised Scheduling Order, to account for the delay in making the Altos Models available, without affecting the dates of the final hearing in this proceeding (i.e., March 20-22, 2000).

3. Counsel for OGC, FPL, FPC, TECO, and LEAF have no objections to the revisions to the procedural schedule set forth herein. Counsel for the Commission Staff takes no position on this motion.

WHEREFORE, OGC respectfully requests that the Prehearing Officer revise the procedural schedule in this docket consistent

with the dates proposed in this motion.

Respectfully submitted this 15th day of February, 2000.



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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 991462-EU**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (\*), facsimile (\*\*), or by United States Mail, postage prepaid, on the following individuals this 15th day of February, 2000.

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Re: Production of Altos Models Pursuant to Commission Order No.  
PSC-00-0291-PCO-EU

Gentlemen:

As you must now be aware, late on Friday afternoon, the Commission issued its Order No. PSC-00-0291-PCO-EU ("the Order") in the Okeechobee Generating Company need determination case. With respect to the Altos Models, the Order provides that discovery of the Altos Models will generally be had along the lines proposed in OGC's Motion for Protective Order, subject to certain modifications specified in the Order. I write this letter to advise you of a logistical problem with respect to Altos's compliance with the Order and to propose a solution to this problem.

Among the Order's provisions is that the Models are to be produced on Tuesday, February 15, i.e., tomorrow. Because of prior commitments, the Altos personnel are physically unable to accommodate this requirement. Accordingly, we propose the following schedule with respect to production of the Altos Models and subsequent events, i.e., intervenor testimony, rebuttal testimony, and discovery.

Training Sessions: MarketPoint on Friday, February 18, and Altos NARE and NARG Models on Monday, February 21; additional question and answer session on Tuesday, February 22.

Models Available at FPSC: Monday, Feb. 21

Models Available at Altos San Jose Offices: Wednesday, Feb. 23

EXHIBIT A

Intervenor Testimony (concerning Dale Nesbitt): Monday, March 6

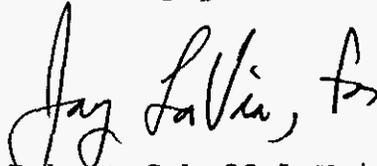
OGC Rebuttal Testimony (concerning Dale Nesbitt): Wednesday,  
March 15

Additional Deposition of Altos Personnel: March 16 or 17

We have suggested this schedule because it provides an approximate day-for-day extension of the revised procedural schedule set forth in Commission Order No. PSC-00-0290-PCO-EU (also issued on Friday afternoon) to account for the logistical impossibility of making the Models available on February 15. I regret that this may cause all of us some inconvenience, but with the short notice resulting from the issuance of the Order essentially at the end of the day on Friday, this is the best that can be done under the circumstances.

I am hopeful that you will be agreeable to the above schedule, and that we can submit an agreed motion to modify the applicable procedural orders on Tuesday. Please advise either Jay LaVia or myself as soon as possible regarding your position with respect to the above suggestions.

Cordially yours,



Robert Scheffel Wright

COPY to All Parties of Record

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