



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED: FPSC
00 FEB 24 PM 3:29
RECORDS AND
REPORTING

DATE: February 23, 2000
TO: Joe Garcia, Chairman
FROM: Wm. Cochran Keating IV, Senior Attorney, Division of Legal Services *WCK RVE*
 Michael Haff, Engineer IV, Division of Electric & Gas *MHA*
RE: Docket No. 991462-EU - Petition for Determination of Need for an Electrical Power Plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

By this memo, we are requesting permission to file a recommendation in this docket no later than 12:00 p.m., Monday, February 28, 2000, for consideration at the February 29, 2000, Agenda Conference. The recommendation concerns Florida Power & Light Company's (FPL) Motion for Reconsideration of Portions of Order No. PSC-00-0291-PCO-EU, an order issued February 11, 2000, by the Prehearing Officer to dispose of several discovery motions in this case.

FPL timely filed its motion for reconsideration on February 21, 2000. Florida Power Corporation timely filed a Notice that it joined in FPL's motion. Pursuant to Rule 25-22.0376(2), Florida Administrative Code, any party who wishes to file a response to FPL's motion for reconsideration must do so within seven days of service of the motion. The only party likely to respond, Okeechobee Generating Company, L.L.C. (OGC), received service of FPL's motion by hand-delivery and, thus, must file any response by February 28, 2000. A hearing in this docket is scheduled for March 20-22, 2000. Because FPL's motion concerns discovery matters, staff believes it is appropriate for the Commission to address FPL's motion prior to the hearing. The only Agenda Conference scheduled before those hearing dates is the February 29, 2000, Agenda Conference.

Considering the time permitted by rule for response to FPL's motion, it will be difficult, if not impossible, for staff to prepare and file a complete recommendation on FPL's motion prior to February 28. Staff contacted counsel for OGC who has agreed to file a response by February 25, 2000, prior to the rule's filing deadline. This will allow staff at least a short period of time to

FA
 SP
 CNF
 ODU
 OTR
 EAG
 LEG
 MAS
 OPC
 RRR
 SEC
 VAW
 OTH *Carol*

DOCUMENT NUMBER-DATE

~~0-25-00~~ FEB 24 8

FPSC-RECORDS/REPORTING

Memo to Chairman Garcia
Docket No. 991462-EU
Page 2

prepare a complete recommendation. For these reasons, staff believes that a late-filed recommendation on the above matter is appropriate.

WCK
I:\991462m3.wck

*Recommend approval.
MDB*

*OK JEB
Chairman*