

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, LLC)

DOCKET NO. 99140-EE
FILED: MAY 11, 2000

RECEIVED-FPSC
00 MAY 11 PM 2:51
RECORDS AND REPORTING

ORIGINAL

OKEECHOBEE GENERATING COMPANY'S PARTIAL RESPONSE, AND AGREED
MOTION FOR ENLARGEMENT OF TIME FOR ADDITIONAL RESPONSES,
TO FLORIDA POWER CORPORATION'S NOTICE OF SUPPLEMENTAL
AUTHORITY, SUGGESTION OF LACK OF JURISDICTION,
SUPPLEMENTAL MOTION TO DISMISS, AND MOTION
FOR IMMEDIATE STAY PENDING DISMISSAL

Okeechobee Generating Company, LLC ("OGC" or "Okeechobee"), hereby responds to Florida Power Corporation's ("FPC") Notice of Supplemental Authority, Suggestion of Lack of Jurisdiction, Supplemental Motion to Dismiss, and Motion for Immediate Stay Pending Dismissal ("FPC's Motion") filed on April 27, 2000. In summary, FPC's Motion calls to the Commission's attention the Florida Supreme Court's decision in Tampa Electric Co. v. Garcia, in which the Court reversed the Commission's order granting a determination of need for the merchant power plant proposed by the Utilities Commission, City of New Smyrna Beach, Florida and Duke Energy New Smyrna Beach Power Company Ltd., L.L.P. Citing the Court's decision, FPC renews its request that the Commission dismiss OGC's pending need determination petition and moves for a stay of activity in this docket pending action on its motion to dismiss. In light of the Court's decision and the five motions for rehearing filed with the Court on Friday, May 5, OGC does not object to FPC's requested stay of pending activity in this docket until the Court disposes of the motions for rehearing, but OGC requests an enlargement of time to respond to the substantive

MSA
SRA
FAG
SAG
SAS
SFC
SFR
SEC
WAW
OTH

RECEIVED & FILED

Mue

DOCUMENT NUMBER-DATE

05882 MAY 11 8

FPSC-RECORDS/REPORTING

portions of FPC's Motion.

Specifically, OGC moves for an enlargement of time to respond to all parts of FPC's Motion other than the motion for immediate stay until seven days following the issuance of the Florida Supreme Court's order disposing of the motions for rehearing. Granting the requested enlargement will benefit OGC, FPC, and the Commission by avoiding the preparation, filing, and review of additional pleadings that may be rendered moot by the Court's disposition of the pending motions for rehearing.

The undersigned has contacted counsel for FPC and is authorized to represent that FPC does not object to the requested enlargement of time.

WHEREFORE, Okeechobee Generating Company, L.L.C.
respectfully states that it does not object to the stay of
further activity in this docket pending the Court's action on the
motions for rehearing filed in Tampa Electric Co. v. Garcia and
respectfully requests that the Commission grant the enlargement
of time prayed for herein.

Respectfully submitted this 11th day of May, 2000.



Jon C. Moyle, Jr.
Moyle Flanigan Katz Kolins
Raymond & Sheehan, P.A.
The Perkins House
118 North Gadsden Street
Tallahassee, Florida
Telephone (850) 681-3828
Telecopier (850) 681-8788

Robert Scheffel Wright
Florida Bar No. 966721
John T. LaVia, III
Florida Bar No. 853666
LANDERS & PARSONS, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
Telephone (850) 681-0311
Telecopier (850) 224-5595

Attorneys for Okeechobee Generating
Company, L.L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (*), facsimile transmission (**), or U.S. Mail, on this 11th day of May, 2000, to the following:

W. Cochran Keating, Esq.*
Division of Legal Services
Florida Public Service Comm.
2540 Shumard Oak Boulevard
Gunter Building
Tallahassee, FL 32399-0850

Gail Kamaras/Debra Swim
LEAF
1114 Thomasville Road
Suite E
Tallahassee, FL 32303

Matthew M. Childs, Esquire
Charles A. Guyton
Steel Hector & Davis, LLP
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
(Florida Power & Light Co.)

William G. Walker, III
Vice President
Regulatory Affairs
Florida Power & Light Co.
9250 West Flagler Street
Miami, FL 33174
(Florida Power & Light Co.)

Gary L. Sasso, Esq.**
Carlton Fields
P.O. Box 2861
St. Petersburg, FL 33731
(Florida Power Corporation)

James A. McGee, Esq.**
Florida Power Corporation
P.O. Box 14042
St. Petersburg, FL 33733

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(TECO)

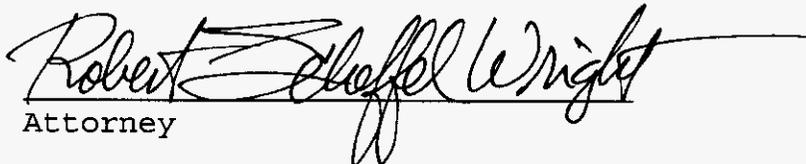
Ms. Angela Llewellyn
Administrator
Regulatory Coordination
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601-2100

Mr. Paul Darst
Dept. of Community Affairs
Division of Local
Resource Planning
2740 Centerview Drive
Tallahassee, FL 32399-2100

Scott A. Goorland, Esq.
Dept. of Environmental
Protection
3900 Commonwealth Blvd, MS 35
Tallahassee, FL 32399-2400

Harry W. Long, Jr., Esq.
Tampa Electric Company
Post Office Box 111
Tampa, Florida 33601
(TECO)

D. Bruce May
Holland & Knight LLP
315 South Calhoun St.
Tallahassee, FL 32301


Attorney