

ORIGINAL



JACK SHREVE
PUBLIC COUNSEL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

November 5, 2001

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED - FPSC
01 NOV -5 PM 3:50
COMMISSION
CLERK

RE: Docket No. 001148-EI

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of a Motion for Reconsideration of Order Establishing Procedure for filing in the above referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

John Roger Howe
Deputy Public Counsel

JRH/dsb
Enclosures

APP
CAF
CMP
COM
CTR
ECR
LEG
OPC
PAI
RGO
SEC
SER
OTH

RECEIVED & FILED
RJM
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
13965 NOV-5
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of the retail rates of)
Florida Power & Light Company)
_____)

Docket No. 001148-EI
Filed: November 5, 2001

**MOTION FOR RECONSIDERATION
OF ORDER ESTABLISHING PROCEDURE**

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to Rule 25-22.0376, Florida Administrative Code, move the Prehearing Officer, Commissioner Baez, to reconsider certain aspects of the schedule announced in the Order Establishing Procedure, Order No. PSC-01-2111-PCO-EI, issued October 24, 2001, and as grounds therefor, state:

1. Pursuant to the Order Establishing Procedure, Florida Power & Light Company completed its MFR filings on October 15, 2001. FPL will then have approximately three and one-half months, until January 28, 2002, before it has to disclose, in the form of prefiled direct testimony, what it already knows. Yet Intervenors are only given two weeks, until February 11, 2002, to respond with direct testimony of their own, and then the company is given an additional month, until March 11, 2002, in which to file its rebuttal testimony. It will be virtually impossible under this schedule for Intervenors to conduct meaningful discovery on the company witnesses' testimony. Keep in mind that Intervenor witnesses will not only be providing testimony for their direct case but will also have only this one opportunity to rebut the company's direct case. The Commission's desire to afford parties the opportunity to identify issues before filing testimony, while perhaps understandable as an attempt to limit issues for hearing, will work an extreme hardship on Intervenors if the current schedule is followed.

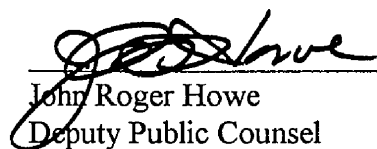
2. Hearings in this docket will necessarily be based upon information, both historic and projected, under FPL's control. FPL, alone, at this stage of the proceedings, knows the background information supporting its books and records as well as the basis for its projections. The company is also probably in a position, based upon this knowledge, to predict with some accuracy the issues which will most likely be placed in dispute by itself and other parties. As such, the company might not have to wait until issues are firmly identified for its witnesses to begin preparing their own testimony. Intervenors, on the other hand, will be placed at a significant disadvantage if they are forced to file testimony only two weeks after the company files its own.

3. The schedules for the Florida Power Corporation and Gulf Power Company rate cases afford much more time for Intervenors to file testimony after company testimony is filed. The Order Establishing Procedure in the Florida Power case, Order No. PSC-01-2114-PCO -EI, issued October 25, 2001, (one day after the FPL order) has Intervenors filing testimony two months after the company's direct testimony, with issue identification coming four days after that. The order in the Gulf Power case, Order No. PSC-01-2035-PCO-EI, issued October 15, 2001, provides more than three months for Intervenors to file their direct testimony after the company's was filed.

WHEREFORE, the Citizens of the State of Florida, through the Office of Public Counsel, move the prehearing officer to allow Intervenors at least 60 days after FPL files its prefiled direct testimony to file Intervenors' prefiled direct testimony.

Respectfully submitted,

JACK SHREVE
PUBLIC COUNSEL



John Roger Howe
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
(850) 488-9330

Attorneys for the Citizens
of the State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 001148-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing MOTION FOR RECONSIDERATION OF ORDER ESTABLISHING PROCEDURE has been furnished by U.S.

Mail or *Hand-delivery to the following parties on this 5th day of November, 2001:

Robert V. Elias, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Thomas A. Cloud, Esquire
Gray, Harris & Robinson, P.A.
201 East Pine Street, Suite 1200
Orlando, Florida 32802-3068

John T. Butler, P.A.
Steel Hector & Davis, LLP
200 South Biscayne Boulevard
Suite 4000
Miami, Florida 33131-2398

William Walker
Florida Power & Light Company
215 South Monroe Street
Suite 810
Tallahassee, FL 32301-1859


John W. McWhirter, Jr., Esquire
Attorney for FIPUG
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, Florida 33601-3350

Joseph A. McGlothlin, Esquire
Vicki Gordon Kaufman, Esquire
Attorneys for FIPUG
McWhirter Reeves
117 S. Gadsden Street
Tallahassee, Florida 32301

Michael B. Twomey, Esquire
Attorney for
Thomas P. Twomey, Intervenor
Genevieve E. Twomey, Intervenor
Post Office Box 5256
Tallahassee, Florida 32314-5256

Mark Sundback, Esquire
Kenneth Wiseman, Esquire
Attorneys for South Florida Hospital
and Healthcare Association, Intervenor
Andrews & Kurth Law Firm
1701 Pennsylvania Avenue, N.W.
Suite 300
Washington, DC 20006

Ronald C. LaFace, Esquire
Seann M. Frazier, Esquire
Greenberg Traurig, P.A.
Post Office Drawer 1838
Tallahassee, FL 32302



John Roger Howe
Deputy Public Counsel