

Matilda Sanders

From: George Cavros [george@cavros-law.com]
Sent: Monday, August 13, 2007 1:46 PM
To: Filings@psc.state.fl.us
Subject: Motion to Extend Filing Date.doc

Attachments: 3000531053-SACE-Motion to Extend Filing Date.doc

ORIGINAL



SACE-Motion
Extend Filing I

A. Person responsible for electronic filing:

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B. Docket No. 070467-EI,
In re: Petition to determine need for Polk Unit 6 electrical power plant, by Tampa Electric Company.

C. Document is filed on behalf of Southern Alliance for Clean Energy.

D. There is a total of 4 pages in the attached document.

E. The document attached for electronic filing is a Motion to Extend Filing Date for Testimony and Exhibits in the above referenced case filed on behalf of Southern Alliance for Clean Energy.

Thank you for your attention regarding this request.

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DOCUMENT NUMBER-DATE

07096 AUG 13 5

FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition to determine need for
Polk Unit 6 electrical power plant, by
Tampa Electric Company.

DOCKET NO. 070467-EI

Filed August 13, 2007

Motion to Extend Filing Date for Testimony and Exhibits of
Southern Alliance for Clean Energy

Southern Alliance for Clean Energy (“Petitioners”), by and through its undersigned counsel, file this Motion to Extend Date for Intervenors’ Testimony and Exhibits as grounds therefore state:

1. Petitioners are filing a Petition to Intervene today, August 13, 2007, which awaits the consideration of the Commission. The Order Establishing Procedure for this proceeding, posted on the Commission’s website on August 6, 2007, requires intervenors to file their testimony and exhibits by September 3, 2007.

2. Tampa Electric Company (“TECO”) proposes to develop an electric generation plant which they have asked the Commission to certify. TECO has submitted extensive testimony and exhibits with complex projections related to the need for the plant.

3. Before Petitioner’s testimony and exhibits can be prepared, it must have a reasonable opportunity to evaluate the substance of the underlying data submitted by TECO. Petitioner requires a reasonable opportunity to identify expert witnesses, to develop its testimony and exhibits, and formally present its case to the Commission. To meet the September 3, 2007 deadline for Intervenors’ Testimony and Exhibits, Petitioner must submit testimony and exhibits 21 days from today. Even under the

DOCUMENT NUMBER-DATE

07096 AUG 13 8

FPSC-COMMISSION CLERK

expedited 20 calendar day discovery response timeframe, set out in the Order Establishing Procedure, Petitioner will not have reasonable time to incorporate discoverable evidence into its testimony and exhibits.

4. TECO has had considerable time to develop the data and underlying forecasts and assumptions that support their finding of need. Due process requires that Petitioners a reasonable opportunity to: analyze TECO's sophisticated models and cost analysis; analyze TECO's major assumptions and data from independent sources; and allow Petitioner to conduct its own technical analysis prior to submission of testimony and exhibits.

5. The current schedule allowed only 45 days between the dates of TECO's filing and until Petitioner's testimony is due. Additionally, Petitioner received notice on August 6, 2007, just one week ago, when it was initially posted on the Commission's website, of the expedited Controlling Dates in the Order Establishing Procedure. Even if the Petitioner had intervened on the date of the initial TECO filing, the current schedule does not permit a Petitioner a reasonable opportunity to review the filings, complete the necessary analysis, and timely prepare testimony and exhibits. Moreover, additional time is required to determine what information is lacking and to complete the discovery of such information for incorporation into the Petitioner's testimony and exhibits.

6. Rule 25-22.080 F.A.C. provides that the Commission shall set a date for a hearing which shall be 90 days of the receipt of the petition for a need determination.

7. Petitioner anticipates that it will need, at a minimum, until September 7, 2007 to file complete testimony and exhibits; thereby minimizing the need for motions for amended and supplemental testimony and thus promoting judicial economy.

8. Monday, September 3, 2007 is a legal holiday, thus Petitioner's request represents a very modest request for a 4 day extension that cannot reasonably be expected to prejudice the interests of TECO. Petitioner's request will not affect the final hearing date requirements pursuant to Rule 25-22.080 F.A.C.

9. Pursuant to Rule 28-106.294. F.A.C., prior to filing this motion Petitioners conferred with legal counsel for TECO and state that they are informed of said motion and conferring with their client.

10. WHEREFORE, Southern Alliance for Clean Energy moves that the Commission Extend the Filing Date for their Testimony and Exhibits as herein requested.

RESPECTFULLY SUBMITTED this 13th day of August, 2007.

/s/ George Cavros

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 13th day of August via US Mail on:

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P.O. Box 391
Tallahassee, FL 32302

Florida Public Service Commission
Jennifer Brubaker, Esq.
2540 Shumard Oak Blvd.
Tallahassee, FL 3299-0850

This 13th day of August, 2007.

/s/ George Cavros