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Subject: Docket Nos. 080407-080413 NRDC-SACE Motion for Extension of Time
Attachments: NRDC-SACE_Motion_for_Extension_of_Time FINAL.pdf

a. The person responsible for this filing is:

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b. This filing is made In re: Commission review of numeric conservation goals for
Florida Power & Light (Docket No. 080407-EG)
Progress Energy Florida, Inc. (080408-EG)
Tampa Electric Company (080409-EG)
Gulf Power Company (080410-EG)
Florida Public Utilities Company (080411-EG)
Orlando Utilities Commission (080412-EG)
Jacksonville Electric Authority (080413-EG)

- c. The document is filed on behalf of the Natural Resources Defense Council and the Southern Alliance for Clean Energy.
- d. The total pages in the attached document are 7 pages.
- e. The attached document is NRDC-SACE's Motion for Extension of Time to File Testimony and Exhibits.

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MOSES WILLIAMS, ESQ.

E. LEON JACOBS, JR., ESQ.

June 16, 2009

Ann Cole
Director, Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850

RE: Docket No. 080407-EG Florida Power & Light Company;
Docket No. 080408-EG Progress Energy, Florida, Inc. ;
Docket No. 080409-EG Tampa Electric Company;
Docket No. 080410-EG Gulf Power Company ;
Docket No. 080411-EG Florida Public Utilities Company;
Docket No. 080412-EG Orlando Utilities C; and
Docket No. 080413-EG Jacksonville Electric Authority

Dear Ms. Cole:

On behalf of the Southern Alliance for Clean Energy, and the Natural Resources Defense Council, I have enclosed for filing a Motion for Extension of Time to File Testimony and Exhibits in the above-stated dockets. I thank you for your attention to this matter.

Sincerely,

/s/ E. Leon Jacobs, Jr.

E. Leon Jacobs, Jr.
Attorney for Intevenors

Enclosures

DOCUMENT NUMBER-DATE

05993 JUN 17 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission Review of Numeric) DOCKET NO. 080407-EG
Conservation Goals)
Florida Power & Light Company)
_____)

In re: Commission Review of Numeric) DOCKET NO. 080408-EG
Conservation Goals)
Progress Energy, Florida, Inc.)
_____)

In re: Commission Review of Numeric) DOCKET NO. 080409-EG
Conservation Goals)
Tampa Electric Company)
_____)

In re: Commission Review of Numeric) DOCKET NO. 080410-EG
Conservation Goals)
Gulf Power Company)
_____)

In re: Commission Review of Numeric) DOCKET NO. 080411-EG
Conservation Goals)
Florida Public Utilities Company)
_____)

In re: Commission Review of Numeric) DOCKET NO. 080412-EG
Conservation Goals)
Orlando Utilities Commission)
_____)

In re: Commission Review of Numeric) DOCKET NO. 080413-EG
Conservation Goals)
Jacksonville Electric Authority)
_____)
FILED: JUNE 16, 2009

MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY AND EXHIBITS

The Natural Resources Defense Council (NRDC) and Southern Alliance for Clean Energy (SACE), by and through undersigned counsel, hereby file this Motion for Extension of

DOCUMENT NUMBER DATE
05993 JUN 17 8
FPSC-COMMISSION CLERK

Time to File Testimony and Exhibits. NRDC and SACE request that their testimony deadline of July 1, 2009 be extended by one week, until July 8, 2009. In support of this motion NRDC and SACE state and allege as follows:

1. On March 12, 2009, the Commission issued its First Revised Order Establishing Procedure. The revised order set the following deadlines: Utility Testimony and Exhibits due June 1, 2009; Intervenors Testimony and Exhibits due July 1, 2009; Staff Testimony and Exhibits due July 17, 2009; Utility Rebuttal Testimony and Exhibits due July 27, 2009.
2. At present, the Intervenors do not have access to information critical to prepare their testimony. For example, Intervenors do not have access to the final energy efficiency achievable potential report, as that report has not yet been finalized. After its analysis, ITRON provided data to the utility parties (Utilities) regarding which energy efficiency measures are achievable to the respective Utilities. Additionally, the investor-owned Utilities conducted portions of the economic potential analysis internally. Intervenors have not yet been provided detail data either from the ITRON analysis, or from internal analyses completed by the investor-owned Utilities.
3. As soon as possible following receipt of the Utilities' testimony and exhibits, NRDC and SACE submitted Interrogatories and Requests for Production of Documents. This discovery is necessary for Intervenors to understand the Utilities' testimony and exhibits because the Utilities' testimony does not provide adequate detail about the assumptions made by the Utilities and their consultants or the analysis of specific measures.

4. NRDC and SACE requested that the Utilities expedite their responses to their discovery requests, in light of the very short period between the deadline for the Utilities responses to NRDC-SACE's discovery responses and the Intervenors' testimony submission deadline. The Utilities have unanimously refused to expedite their discovery responses. Accordingly, without the relief requested in this motion, Intervenors would not expect to receive responses to their discovery requests until just two calendar days prior to Intervenors' deadline to file testimony.
5. Even if the requested extension is granted, Intervenors will have just six business days in which to analyze the documents provided by the Utilities, and then finalize and submit their expert testimony. It is vital that NRDC and SACE witnesses gain access to the background materials in these studies in order to efficiently review and assess the results, and in order to offer the Commission reasoned input on these studies through expert testimony.
6. NRDC and SACE were not able to conduct discovery prior to July 1, 2009, because the achievable analysis and other analyses on which the Utilities' relied were not completed (and some of it remains incomplete) until shortly before the Utilities' June 1 testimony deadline.
7. Intervenors believe that the requested extension is in the public interest because it will elevate the quality of the record before the Commission, and enhance the Commission's ability to comply with its requirements under section 366.82(3), F.S. The requested extension will not prejudice the other parties to this proceeding.

8. Counsel for Intervenors contacted all of the parties to Docket Nos. 080407-080413. Progress Energy of Florida, the Orlando Utilities Commission, Florida Public Utilities Company, Florida Solar Coalition, Florida Energy and Climate Commission, and Florida Industrial Power Users Group do not object to this request. Florida Power & Light Company, and Tampa Electric Company expressed objections, while Jacksonville Electric Authority and Gulf Power Company did not register a preference.

WHEREFORE, Petitioners, the Natural Resources Defense Council, Inc., and the Southern Alliance for Clean Energy, Inc., for the reasons set forth above, respectfully request that the Commission issue an order extending the July 1, 2009, deadline for filing Intervenor testimony by one week, to July 8, 2009.

Respectfully submitted this 16th day of June, 2009.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 16th day of June, 2009 via email (*) and/or US Mail on:

| | |
|--|---|
| <p>Katherine Fleming, Esq. * Erik L. Slayer, Esq. * Florida Public Service Commission Gerald L. Gunter Building 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 KEFLEMIN@PSC.STATE.FL.US esayler@PSC.STATE.FL.US</p> | <p>J.R. Kelly / Stephen Burgess * Office of Public Counsel c/o The Florida Legislature 11 I W. Madison Street, Room 8 12 Tallahassee, FL 32399-1400 kelly.jr@leg.state.fl.us</p> |
| <p>Jack Leon, Esq., * Wade Litchfield, Esq. * Florida Power & Light Company 215 S. Monroe Street, Suite 810 Tallahassee, Florida 32301-1859 Jack.Leon@fpl.com Wade_Litchfield@fpl.com</p> | <p>Mr. Paul Lewis, Jr. * Progress Energy Florida 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740 paul.lewisjr@pgnmail.com</p> |
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| <p>Chris Browder * Orlando Utilities Commission P. O. Box 3193 Orlando, FL 32802-3193 cbrowder@ouc.com</p> | <p>Teala M. Milton * JEA V.P., Government Relations 21 West Church Street, Tower 16 Jacksonville, FL 32202-3158 milta@jea.com</p> |
| <p>Suzanne Brownless, Esq. * 1975 Buford Boulevard Tallahassee, FL 32308 suzannebrownless@comcast.net</p> <p>James D. Beasley, Esq., * Lee L. Willis, Esq. * Ausley Law Firm PO Box 391</p> | <p>Jeremy Susac * Florida Energy Commission 600 South Calhoun Street, Suite 251 Tallahassee, FL 32399-001 jeremy.susac@eog.myflorida.com</p> <p>Susan Clark, Esq. * Radey Law Firm 301 South Bronough Street, Suite 200</p> |

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This 16th day of June, 2009.

 /s/ E. Leon Jacobs, Jr.

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