

Ruth Nettles

From: Lynette Tenace [ltenace@kagmlaw.com]
Sent: Wednesday, September 16, 2009 3:51 PM
To: Filings@psc.state.fl.us
Cc: Katherine Fleming; jbeasley@ausley.com; lwillis@ausley.com; john.burnett@pgnmail.com; Kelly.jr@leg.state.fl.us; Charles Rehwinkel; Charles Beck; jas@beggslane.com; rab@beggslane.com; srg@beggslane.com; regdept@tecoenergy.com; nhorton@lawfla.com; Carla.Pettus@fpl.com; John_butler@fpl.com; Mseagrave@fpuc.com; Wade_litchfield@fpl.com; sdriteno@southernco.com; jmcwhirter@mac-law.com
Subject: Docket No. 090002-EG
Attachments: FIPUG Motion for Extension of Time to File Intervenor Testimony 09.16.09.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:

Vicki Gordon Kaufman
Jon C. Moyle, Jr.
Keefe Anchors Gordon & Moyle
118 North Gadsden Street
Tallahassee, FL 32301
(850) 681-3828
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com
- b. This filing is made in Docket No. 090002-EG, In re: Energy conservation cost recovery clause.
- c. The document is filed on behalf of Florida Industrial Power Users Group.
- d. The total pages in the document are 4 pages.
- e. The attached document is FIPUG's Motion for Extension of Time to File Intervenor Testimony.

Lynette Tenace

NOTE: New E-Mail Address
ltenace@kagmlaw.com



Keefe, Anchors, Gordon and Moyle, P.A.
The Perkins House
118 N. Gadsden St.
Tallahassee, FL 32301
850-681-3828 (Voice)
850-681-8788 (Fax)
www.kagmlaw.com

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DOCUMENT NUMBER-DATE

09628 SEP 16 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost recovery
clause.

DOCKET NO. 090002-EG
FILED: September 16, 2009

**THE FLORIDA INDUSTRIAL POWER USER GROUP'S
MOTION FOR EXTENSION OF TIME TO FILE INTERVENOR TESTIMONY**

The Florida Industrial Power Users Group (FIPUG), pursuant to rule 25-106.204, Florida Administrative Code, file this motion for extension of time to file Intervenor testimony, related to interruptible and/or curtailable credits, in the above docket until October 7, 2009. As grounds therefore, FIPUG states:

1. FIPUG is an intervenor in this docket. Currently, Intervenor testimony is due on September 23, 2009. FIPUG received the testimony of Florida Power and Light Company (FPL) and Tampa Electric Company (TECO) on September 14th. It received the testimony of Progress Energy Florida (PEF) on September 15, 2009. Under the current schedule, that gives FIPUG a little more than a week to file Intervenor testimony.

2. The main focus of FIPUG's testimony will relate to the credits FPL, PEF, and TECO will flow through the recovery clause in this docket for interruptible or curtailable load. Little more than a week is wholly insufficient for FIPUG to analyze the utilities' testimony, conduct discovery on the testimony, and file its own testimony in this proceeding. Even if FIPUG were to serve discovery today, it would not receive responses under the current schedule until October 2nd.

3. FIPUG was unable to analyze the utilities' proposals or conduct discovery prior to receiving their testimony this week as it did not know what values the utilities would propose until their testimony was filed.

4. Further, it is unclear to FIPUG in which docket or dockets the credit issues will be considered. PEF, for example, has maintained that such credits should not be reviewed in its rate case, but rather in this docket. However, that issue will not be resolved until the time to file

testimony in this docket is long past. FIPUG should not be put in the untenable position of having no legitimate forum in which to raise issues related to the interruptible and/or curtailable credits and have them decided on the merits by this Commission.

5. In order for FIPUG to be able to complete at least one round of discovery prior to filing its testimony and in order for it to have sufficient time to file and prepare its testimony, FIPUG asks that the deadline for intervenor testimony be extended to October 6th.¹ FIPUG has no objection to an extension of the deadline for rebuttal testimony.

6. In the alternative, FIPUG requests that the discovery turnaround time of 20 days set out in Order No. PSC-09-0184-PCO-EG be modified to five (5) days and that FPL, PEF, and TECO be required to provide all workpapers underlying their credit calculations in electronic format excel format within five (5) days of this motion. In that case, FIPUG would suggest an extension of time for Intevenor testimony until September 30th (assuming FIPUG's discovery requests are answered by September 21st) and would not object to a corresponding extension of the time for rebuttal testimony.

7. Pursuant to rule 28-106.204(3) FIPUG has attempted to contact the parties to this docket and is authorized to represent that Florida Public Utilities Company (FPUC) takes no position on the motion; TECO and PEF oppose the motion. The other parties have not provided their position.

WHEREFORE, FIPUG requests that the deadline for the filing of Intervenor testimony be extended until October 6, 2009, or in the alternative that discovery deadlines be modified as set forth above.

¹ Even that extension will essentially give FIPUG only a weekend to review the responses.

s/ Vicki Gordon Kaufman

Vicki Gordon Kaufman
Jon C. Moyle, Jr.
Keefe, Anchors, Gordon & Moyle
118 North Gadsden Street
Tallahassee, FL 32301
(850) 681-3828 (Voice)
(850) 681-8788 (Facsimile)
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

John W. McWhirter, Jr.
P.O. Box 3350
Tampa, FL 33601-3350
(813) 505-8055 (Voice)
(813) 221-1854 (Facsimile)
jmcwhirter@mac-law.com

Attorneys for FIPUG

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Motion for Extension of Time to File Intervenor Testimony was served via Electronic Mail and First Class United States Mail this 16th day of September, 2009, to the following:

Katherine Fleming, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
keflemin@psc.state.fl.us

James D. Beasley, Esq., Lee L. Willis, Esq.
Ausley & McMullen Law Firm
P.O. Box 391
Tallahassee, FL 342302
jbeasley@ausley.com
lwillis@ausley.com

John T. Burnett
Associate General Counsel
Progress Energy Service Company, LLC
299 First Avenue North
St. Petersburg, FL 33701
john.burnett@pgnmail.com

J.R. Kelly, Esq., P. Christensen, Esq.,
Charles Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, #812
Tallahassee, FL 32399
Kelly.jr@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us
Beck.charles@leg.state.fl.us

Jeffrey A. Stone, Esq., Russell A. Badders,
Esq., Steven R. Griffin
Beggs & Lane Law Firm
P.O. Box 12950
Pensacola, FL 32591
jas@beggslane.com
rab@beggslane.com
srg@beggslane.com

Ms. Paula K. Brown
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601
regdept@tecoenergy.com

Norman H. Horton, Jr.
Messer Law Firm
P.O. Box 15579
Tallahassee, FL 32317
nhorton@lawfla.com

Carla G. Pettuss, Esq., John Butler, Esq.
Florida Power & Light
700 Universe Blvd.
Juno Beach, FL 33408-0420
Carla.Pettus@fpl.com
John_butler@fpl.com

Marc S. Seagrave, Esq.
Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, FL 33402-3395
Mseagrave@fpuc.com

R. Wade Litchfield, Esq.
Florida Power & Light
215 S. Monroe Street, Suite 810
Tallahassee, FL 32301-1859
Wade_litchfield@fpl.com

Ms. Susan D. Ritenour
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
sdriteno@southernco.com

[s/Vicki Gordon Kaufman](mailto:s/VickiGordonKaufman)
Vicki Gordon Kaufman