



# Public Service Commission

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**DATE:** November 4, 1999

**TO:** Joe Garcia, Chairman

**FROM:** Wm. Cochran Keating IV, Senior Attorney, Division of Legal Services *WCK RJE*  
Michael Haff, Engineer IV, Division of Electric & Gas

**RE:** Docket No. 991462-EU - Petition for Determination of Need for an Electrical Power Plant in Okeechobee County by Okeechobee Generating Company, L.L.C.

By this memo, we are requesting permission to file a recommendation in this docket no later than 4:00 p.m., Wednesday, November 10, 1999, for consideration at the November 16, 1999, Agenda Conference. The recommendation concerns the following issues: (1) petitions by Florida Power & Light Company (FPL) and Florida Power Corporation (FPC) to have the full Commission assigned to hear this docket; (2) FPC's emergency petition for rule waiver and request for stay, which FPL has joined; and (3) FPL and FPC's motions to dismiss the petition for determination of need filed by Okeechobee Generating Company, L.L.C.

The first and second issues listed above are time-sensitive. First, the petitions to have the full Commission assigned to hear this docket must be decided by the full Commission within 15 days of the date of the petition. In this case, due to the timing of the petitions, the earliest available agenda conference at which the full Commission may hear the petitions is the November 16, 1999, Agenda Conference. Second, the emergency petition for rule waiver must be decided within 30 days of the date of the date of the petition. Again, due to the timing of the petition, the earliest available agenda conference at which the Commission may hear the petitions is the November 16, 1999, Agenda Conference. Resolution of the third issue listed above, the motions to dismiss, may make a vote on the emergency petition for rule waiver unnecessary. Thus, the motions to dismiss should also be heard at the November 16, 1999, Agenda Conference.

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC   1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

Staff needs additional time to prepare a recommendation on these issues due to several factors: the volume of the initial pleadings and responsive pleadings; the volume and complexity of the issues raised in these pleadings; and the lack of adequate time to prepare an analysis on the issues raised, due to the recent filing of these pleadings and staff's unusually heavy hearing and deposition schedules.

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Memo to Chairman Garcia

Docket No. 991462-EU

Page 2

The hearing in this docket is currently set for December 6-8, 1999. A decision on the issues listed above at the November 16, 1999, Agenda Conference may allow the Commissioners, the parties, and staff to save considerable time and effort in preparation for hearing and, at a minimum, will allow the Commission and the parties to more efficiently prepare for hearing. For these reasons, staff believes that a late-filed recommendation on the above issues is appropriate.

WCK

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*Recommend Approval.*  
*MAB*

*OK JEB for  
Chairman*