

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the
earnings and authorized return
on equity of Gulf Power Company.

DOCKET NO. 990250-EI
ORDER NO. PSC-99-1767-PCO-EI
ISSUED: September 9, 1999

ORDER REVISING PROCEDURAL SCHEDULE

By Proposed Agency Action Order No. PSC-99-1047-PAA-EI, issued May 24, 1999, the Commission approved Gulf Power Company's (Gulf) regulatory incentive plan, denied its revised revenue sharing proposal, and initiated the review of contract service agreements. On June 14, 1999, the Coalition For Equitable Rates (Coalition) timely filed a petition for a formal proceeding in this matter.

Order No. PSC-99-1633-PCO-EI, issued August 23, 1999, established the procedure for this docket. By motion filed September 1, 1999, the Coalition requested that the order establishing procedure be reconsidered. In its petition, the Coalition stated that its primary expert witness is unavailable until September 7, 1999, and has not been advised of the current deadlines. The Coalition requests that the deadline for intervenor testimony be extended two weeks to allow adequate time for the preparation of its expert and testimony. While a motion for reconsideration of a prehearing officer's order is a matter for consideration by the panel assigned to the case, the relief requested is, in effect, a request for extension of the procedural schedule. The Coalition asserts that Gulf does not object to this motion. Therefore, on my own motion, I will grant the relief sought in the petition, as set forth below.

The controlling dates are as follows:

Controlling Dates

The following dates have been **revised** to govern the key activities of this case.

- | | |
|---|------------------------|
| 1) Utility's direct testimony and exhibits | October 4, 1999 |
| 2) Intervenors' direct testimony and exhibits | October 4, 1999 |

DOCUMENT NUMBER-DATE

10843 SEP-99

FLPSD-RECORDS/REPORTING

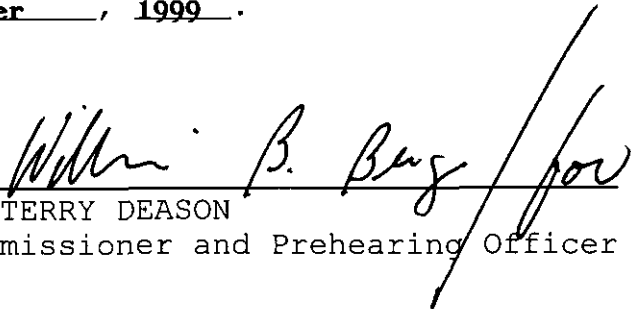
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| 3) Staff's direct testimony and exhibits,
if any | October 11, 1999 |
| 4) Prehearing Statements | October 11, 1999 |
| 5) Rebuttal testimony and exhibits | October 18, 1999 |
| 6) Prehearing Conference | October 18, 1999 |

Based upon the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the controlling dates for this proceeding are hereby revised as set forth in the body of this Order.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 9th day of September, 1999.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative

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hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.