

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power )  
Corporation's earnings, including )  
effects of proposed acquisition of )  
Florida Power Corporation by )  
Carolina Power & Light )  
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Docket No. 000824-EI

Submitted for Filing:  
December 20, 2001

COMMISSION  
CLERK

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**FLORIDA POWER CORPORATION'S RESPONSE IN PARTIAL OPPOSITION  
TO CITIZENS' MOTION TO EXTEND THE DATE  
FOR FILING INTERVENOR TESTIMONY**

Florida Power Corporation ("Florida Power" or the "Company") by and through undersigned counsel files its response in partial opposition to Public Counsel's ("OPC") Motion to Extend the Date for Filing Intervenor Testimony as follows:

In its motion, OPC seeks a blanket extension of time for all intervenors to file testimony in this proceeding based on the timing of a single deposition; the deposition of Florida Power witness Mark A. Myers. Florida Power opposes OPC's request in part. Florida Power has no objection to OPC obtaining the requested extension (through January 22<sup>nd</sup> or four calendar days) to file testimony responsive to Mr. Myers' testimony so long as Florida Power receives a corresponding number of additional calendar days to serve rebuttal testimony to the testimony of OPC's later filed witnesses. However, Florida Power opposes the requested extension of time for other parties or for the remainder of OPC's testimony. As Florida Power has pointed out before, the schedule in this proceeding is already aggressive and extending one deadline as a matter of fairness necessarily requires that all subsequent dates be pushed back as well.

For example, if OPC's blanket request is granted, Florida Power would as a matter of fairness need the same number of additional calendar days to file all of its rebuttal testimony; moving its rebuttal filing deadline to February 8, 2002. Under the present schedule, Staff's pre-

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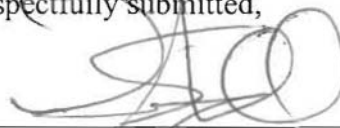
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hearing issues identification meeting is scheduled for February 4, 2002 corresponding with the presently set rebuttal testimony filing deadline. If OPC's blanket extension of time is granted, the date of the issues identification meeting would also need to be pushed back. Indeed, it would be difficult to have a constructive issues identification meeting in the absence of at least a majority of the pre-filed testimony.

Moreover, OPC is the only party that has directly requested Mr. Myers' deposition. Thus, an extension for the other parties based on the timing of Mr. Myers' deposition is unnecessary. Accordingly, Florida Power would request that OPC's request for a blanket extension of time be denied and that OPC be granted only a limited extension of time to file testimony responsive to the testimony of witness Mark A. Myers on the condition that Florida Power is granted an equal number of calendar days (through February 8, 2002) to file rebuttal testimony to the testimony OPC files on January 22, 2002.

Respectfully submitted,



James A. McGee  
FLORIDA POWER CORPORATION  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5184  
Facsimile: (727) 820-5519

Gary L. Sasso  
James Michael Walls  
Jill H. Bowman  
W. Douglas Hall  
CARLTON FIELDS, P. A.  
Post Office Box 2861  
St. Petersburg, FL 33731  
Telephone: (727) 821-7000  
Facsimile: (727) 822-3768  
Attorneys for Florida Power Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via hand delivery  
(where indicated by \*) and via U.S. Mail to the following this 20th day of December, 2001.

Mary Anne Helton, Esquire \*\*  
Adrienne Vining, Esquire  
Bureau Chief, Electric and Gas  
Division of Legal Services  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Phone: (850) 413-6096  
Fax: (850) 413-6250  
Email: mhelton@psc.state.fl.us

Jack Shreve, Esquire  
Public Counsel  
John Roger Howe, Esquire  
Charles J. Beck, Esquire  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400  
Phone: (850) 488-9330  
Fax: (850) 488-4491  
Attorneys for the Citizens of the State of  
Florida

Daniel E. Frank  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2415  
Phone: (202) 383-0838  
Fax: (202) 637-3593  
Counsel for Walt Disney World Co.


Russell S. Kent, Esq.  
Sutherland Asbill & Brennan LLP  
2282 Killearn Center Blvd.  
Tallahassee, FL 32308-3561  
Phone: (850) 894-0015  
Fax: (850) 894-0030  
Counsel for Walt Disney World Co.

Thomas A. Cloud, Esq.  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Ste. 1400  
P.O. Box 3068  
Orlando, FL 32801  
Phone: (407) 244-5624  
Fax: (407) 244-5690  
Attorneys for Publix Super Markets, Inc.

John W. McWhirter, Jr., Esquire  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350  
Phone: (813) 224-0866  
Fax: (813) 221-1854  
Counsel for Florida Industrial Power Users  
Group

Joseph A. McGlothlin, Esquire  
Vicki Gordon Kaufman, Esquire  
McWhirter, Reeves, McGlothlin, Davidson,  
Decker, Kaufman, Arnold & Steen, P.A.  
117 South Gadsden  
Tallahassee, FL 32301  
Phone: (850) 222-2525  
Fax: (850) 222-5606  
Counsel for Florida Industrial Power Users  
Group and Reliant Energy Power Generation,  
Inc.

Michael B. Twomey, Esq.  
8903 Crawfordville Road (32305)  
P.O. Box 5256  
Tallahassee, FL 32314-5256  
Phone: (850) 421-9530  
Fax: (850) 421-8543  
Counsel for Sugarmill Woods Civic  
Association, Inc. and Buddy L. Hansen

  
\_\_\_\_\_  
Attorney