

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint Petition to deter-) DOCKET NO. 920520-EQ
mine need for electric power) ORDER NO. PSC-92-0627-PCO-EQ
plant to be located in Okeechobee) ISSUED: 07/07/92
County by Florida Power & Light)
Company and Cypress Energy)
Partners, Limited Partnership.)
_____)

ORDER GRANTING DEFERRAL OF FILING DATES, DENYING
CONTINUANCE OF HEARING, AND SETTING DISCOVERY GUIDELINES

On June 15, 1992, the Legal Environmental Assistance Foundation, Inc. (LEAF), and Deborah B. Evans (Evans), filed a Petition to Intervene, Motion for Continuance, Motion For Discovery Order, and Request for Oral Argument. On June 22, 1992, Florida Power and Light Company (FPL) filed a Motion to Strike or Hold in Abeyance LEAF's Discovery Requests, Motion For Continuance, Motion For Discovery Order, and Request For Oral Argument. On June 30, 1992, LEAF and Evans filed a Motion For Reconsideration of Notice.

In a separate Order we have granted LEAF and Evans' Petition to Intervene and those parties now enjoy intervenor status. We therefore deny FPL's Motion to Strike or Hold in Abeyance as it is moot. We also deny both LEAF's and FPL's Requests for Oral Argument. These are routine procedural matters related to the scheduling of the hearing, the filing of testimony, and guidelines for discovery. Oral argument is not necessary to assist in determination of these matters.

Having carefully considered LEAF and Evans' Motion for Continuance we find that the motion fails to state good cause for continuing the hearing or prehearing in this docket. The Florida Power Plant Siting Act, Sections 403.501 et. seq., Florida Statutes establishes guidelines for the timing of need determination proceedings in the Florid Public Service Commission. While these guidelines may be discretionary absent an application to the siting board, they give an indication as to what our legislature considers a reasonable time to complete a determination of need proceeding. We decline to continue this need determination proceeding without some showing by the Petitioners that such a continuance is necessary. The Petitioners' have not made such a showing here. We will however, grant the petitioners request to defer the time for filing testimony. We believe that approximately 30 days is a reasonable period within which intervenors may consider, and respond to the Company's direct testimony. Therefore, we will defer the time for filing of intervenor testimony to July 27, 1992, and order the direct testimony of intervenors to be filed with the Director of Records and Reporting on or before July 27, 1992.

DOCUMENT NUMBER-DATE

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Intervenor testimony must also be served on the company by said date. The Company will be given nine (9) days, until August 5, 1992 to file rebuttal testimony.

With regard to the discovery requests filed by LEAF, we note that on June 15, 1992, LEAF served 82 interrogatories and 68 requests for production on FPL. FPL correctly notes in its Motion to Strike or Hold in Abeyance that including subparts, LEAF's filings contain 146 interrogatories and 110 requests for production. Nonetheless, the prehearing officer will allow LEAF's interrogatories and request for production and hereby orders FPL to respond to same on or before July 20, 1992. No further interrogatories or requests for production of documents shall be served on FPL by intervenor LEAF, unless authorized by the prehearing officer.

In light of our rulings herein, LEAF and Evans' Motion For Reconsideration of Notice, filed June 30, 1992, is denied. It is therefore

ORDERED that the request by the Legal Environmental Assistance Foundation, Inc. and Deborah B. Evans, to continue the hearing in this docket is hereby denied. It is further

ORDERED that the request of the Legal Environmental Assistance Foundation, Inc. and Deborah B. Evans to defer the time for filing testimony is hereby granted. As stated herein intervenor direct testimony shall be filed with the Director of Records and Reporting on or before July 27, 1992. Rebuttal testimony shall be filed on or before August 5, 1992. It is further

ORDERED that Florida Power and Light Company shall respond to the discovery requests propounded by the Legal Environmental Assistance Foundation, Inc. and Deborah B. Evans on or before July 20, 1992. No further discovery request may be served on Florida Power and Light Company by the Legal Environmental Assistance Foundation, Inc. and Deborah B. Evans unless authorized by the prehearing officer or the Florida Public Service Commission. It is further

ORDERED that the Motion for Reconsideration of Notice filed by the Legal Environmental Assistance Foundation, Inc. and Deborah B. Evans is hereby denied.

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By ORDER of Commissioner Thomas M. Beard, Chairman, as
Prehearing Officer, this 7th day of July,
1992.



THOMAS M. BEARD, Chairman
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 120.59(4), 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 hearing or judicial review will be granted or result in the relief sought.

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 25-22.038(2), 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.