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February 27, 2001

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Via Hand-Delivery

001814-E1

Re: <u>In re: Complaint of Metricom, Inc. against Florida Power & Light Company</u> for Violation of Sections 366.03 and 366.06(2), Florida Statutes

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen (15) copies of the Joint Motion To Hold This Matter In Abeyance And Extend The Dates For Filing Prefiled Testimony by Metricom and Florida Power & Light Company.

For our records, please acknowledge your receipt of the filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP

D. Bruce May

DOCUMENT NUMBER-DATE

02698 FEB 27 5

FPSC-RECORDS/REPORTING

Blanca S. Bayo February 27, 2001 Page: 2

cc:

Charles A. Guyton Deborah Hart

Deborah Hart Bill Walker Pete Cowden

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Metricom, Inc.	)	Docket No. 001814-EI
against Florida Power & Light	)	
Company for Violation of Sections	)	Filed: February 27, 2001
366 03 and 366 06(2). Florida Statute	( p.	·

## JOINT MOTION OF METRICOM, INC. AND FLORIDA POWER & LIGHT COMPANY TO HOLD THIS MATTER IN ABEYANCE AND EXTEND THE DATES FOR FILING PREFILED TESTIMONY

Metricom, Inc. ("Metricom") and Florida Power & Light Company ("FPL"), pursuant to Rule 25-106.204, Florida Administrative Code, jointly move the Prehearing Officer assigned to this docket to issue an order holding this proceeding in abeyance until and including March 30, 2001 and extending the dates for filing prefiled testimony. In support of this joint motion, Metricom and FPL state:

- 1. This proceeding was initiated on December 22, 2000 when Metricom filed a Complaint against FPL alleging that FPL is in violation of Section 366.03 and 366.06(2), Florida Statutes, for failing to provide electric service to Metricom under rates, terms and conditions that are fair and reasonable.
- 2. Metricom and FPL have been engaged in good faith negotiations to attempt to resolve the disputes between the parties, including the issues raised in Metricom's Complaint. Metricom and FPL have further agreed that an abeyance of this proceeding until and including March 30, 2001 should be sufficient time to conduct their settlement negotiations. In order to allow the parties to immediately focus all energies on settlement negotiations, Metricom and FPL respectfully

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request that the tentative testimony filing dates set forth in the current Case Assignment and Scheduling Record ("CASR") be extended as follows:

- Direct Testimony April 27, 2001;
- Intervenor Testimony May 18, 2001;
- Staff Testimony (if any) June 1, 2001; and
- Rebuttal Testimony June 15, 2001.

This change in the testimony filing dates should not impose a hardship on the Commission, the staff, or the parties, and should allow the other key procedural dates, including the July 3, 2001 hearing date, to be preserved.

- 3. Thus, to facilitate settlement discussions, Metricom and FPL jointly move the Prehearing Officer to hold this matter in abeyance until and including March 30, 2001, and extend the tentative testimony filing dates as set forth above.
- 4. If Metricom and FPL reach a settlement agreement during the time that this proceeding is held in abeyance, Metricom and FPL will notify the Commission as soon as practicable.
- 5. Metricom and FPL are hopeful that with the additional time they will be able to work out their differences without involving the Commission. If they can, the requested abeyance and testimony filing extensions will conserve the resources of the parties, the Commission, and Commission staff.

WHEREFORE, Metricom and FPL jointly move the Prehearing Officer to issue an order holding this matter in abeyance until and including March 30, 2001

and extending the tentative dates for filing testimony in accordance with the timeline set forth in paragraph 2 above.

Respectfully submitted,

Holland & Knight LLP P.O. Drawer 810 Tallahassee, Florida 32301

Steel Hector & Davis LLP Suite 601, 215 S. Monroe St. Tallahassee, Florida 32301

Attorneys for Metricom, Inc.

Attorneys for Florida Power & Light Company

By D. Bruce May

By: \_\_\_\_\_\_ Charles A. Guyton

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this Joint Motion of Metricom, Inc. and Florida Power & Light Company to Hold This Matter in Abeyance and Extend the Deadline for Filing Prefiled Testimony in Docket No. 001814-EI was served by Hand Delivery (\*) or mailed this 27th of February, 2001 to the following:

Blanca S. Bayó, Director \*
Records and Reporting
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Tallahassee, Florida 32399-0850

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