

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

Docket No. 000824-EI Submitted for Filing: December 20, 2001

RECEIVED-FPSC 01 DEC 20 AM 11:08 COMMISSION CLERK

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 22nd 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-

APP [] CAF [] CMP [] COM [5] CTR [] ECR [] LEG [] OPC [] PAI [] RGO [] SEC [] SER [] OTH []

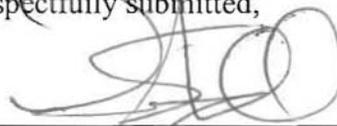
RECEIVED & FILED [Signature] FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE 15855 DEC 20 06 FPSC-COMMISSION CLERK

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 Sugarnill Woods Civic
Association, Inc. and Buddy L. Hansen

A handwritten signature in black ink, appearing to read "M. Twomey", is written over a horizontal line.

Attorney