

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Environmental cost recovery clause.

DOCKET NO. 040007-EI  
ORDER NO. PSC-04-0838-PCO-EI  
ISSUED: August 27, 2004

ORDER AMENDING ORDER ESTABLISHING PROCEDURE

Florida Power & Light Company (FPL) and Progress Energy Florida, Inc. (PEF) have proposed a revised schedule for the submittal of testimony. The utilities need additional time to file their testimony because they are using all available personnel to accelerate restoration efforts in the aftermath of Hurricane Charley. The current filing dates and those proposed by FPL and PEF are shown below.

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
FPL's and PEF's Projection Testimony	9/03/04	9/13/04
Intervenor Testimony	9/24/04	10/04/04
Staff Testimony	10/06/04	10/15/04
FPL's and PEF's Rebuttal Testimony	10/11/04	10/18/04
FPL's and PEF's Prehearing Statements	10/12/04	10/19/04

Under this proposal, staff and the intervenors would have to file testimony responding to the other utilities' (Gulf Power Company and Tampa Electric Company) testimony on the currently scheduled date, and would file testimony pertaining to FPL and PEF on the proposed dates. Thus, staff and the intervenors would have to file two rounds of testimony if they wanted to respond to the other utilities and then to FPL. They might also have to file two prehearing statements. The intervenors, Office of Public Counsel and Florida Industrial Power Users Group, do not object to the proposed schedule. The other utilities participating in this docket do not object either.

FPL and PEF have shown good cause for modifying the schedule and none of the other parties object, I therefore grant FPL's request.

Based on the foregoing, it is

ORDERED that the schedule for submitting testimony and prehearing statements shall be modified as explained in the body of this order.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDER NO. PSC-04-0838-PCO-EI  
DOCKET NO. 040007-EI  
PAGE 2

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this  
27th day of August, 2004.

  
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RUDOLPH "RUDY" BRADLEY  
Commissioner and Prehearing Officer

(SEAL)

MKS

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 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; or (2) 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 the Commission Clerk and Administrative Services, 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.