

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF FLORIDA

FLORIDA POWER CORPORATION,  
Appellant,

vs.

CASE NO. 94,664 980283-EP

JOE GARCIA, etc., et al.,  
Appellees;

FLORIDA POWER CORPORATION

Appellant,

vs.

CASE NO. 94,665 980509-EP

JOE GARCIA, etc., et al.  
Appellees.

UNOPPOSED MOTION OF  
APPELLANT FLORIDA POWER CORPORATION  
FOR THIRTY DAY EXTENSION OF TIME  
TO FILE REPLY BRIEF IN CASE NO. 94,664

Appellant, Florida Power Corporation ("FPC"), by its undersigned counsel, hereby moves the Court to enter an Order extending by thirty (30) days the time for FPC to serve its reply brief in Case No. 94,664. This motion is unopposed. In

support of this motion, FPC states:

1. Pursuant to this Court's May 18, 1999 Order, Case No. 94,664, is consolidated with Case No. 94,665, for purposes of scheduling oral argument and decision. FPC is the appellant in each of the consolidated cases.

AFA \_\_\_\_\_  
 APP \_\_\_\_\_  
 CAF \_\_\_\_\_  
 CMU \_\_\_\_\_  
 CTR \_\_\_\_\_  
 EAG \_\_\_\_\_  
 LEG \_\_\_\_\_  
 MAS \_\_\_\_\_  
 OPC \_\_\_\_\_  
 RRR \_\_\_\_\_  
 SEC \_\_\_\_\_  
 WAW \_\_\_\_\_  
 OTH replied

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

2. FPC's reply brief in Case No. 94,664 presently is due on July 2, 1999. The same is true in Case No. 94,665 and, contemporaneously with this filing, FPC has filed an unopposed motion for an extension of time in that case.

3. In addition to this Case No. 94,664, FPC and Appellees, Metropolitan Dade County ("Dade") and Montenay-Dade, Ltd. ("Montenay"), are involved in related litigation in both the state and federal courts, and recently have spent, and are continuing to spend, considerable time and effort attempting to resolve those disputes by settlement. FPC, Dade, and Montenay have now reached an agreement in principle to settle these related disputes. When the settlement is finalized, it will be submitted to the PSC for approval.

4. Due to the press of work -- which includes negotiating, finalizing and documenting the settlement of the related disputes between FPC and Dade/Montenay -- FPC respectfully requests a thirty (30) day extension of time in which to serve its reply brief in Case No. 94,664.

5. The settlement of the related state and federal court litigation discussed above could have a material effect on the resolution of this appeal.

6. This requested extension is not made for the purpose of unnecessary delay. It is made in good faith, and no party

will be prejudiced by it. This is FPC's first request for an extension in connection with its reply brief.

7. Counsel for FPC has conferred with (i) counsel for Dade/Montenay, (ii) counsel for the Florida Public Service Commission, and (iii) counsel for Lake Cogen regarding this requested extension and is authorized to represent that the requested extension is not opposed by any of them.

Accordingly, FPC respectfully requests this Court to enter an order granting FPC a 30 day extension of time within which to serve its reply brief in Case No. 94,664.

Respectfully submitted,



Doug Hall  
347906 toe

Rodney Gaddy Esq. FBN 314943  
James A. McGee Esq. FBN 150483  
Florida Power Corporation  
NationsBank Tower  
200 Central Avenue, Suite 1500  
St. Petersburg, Fl 33701

Chris C. Coutroulis FBN 300705  
Robert L. Ciotti FBN 333141  
Carlton, Fields, Ward, Emmanuel  
Smith & Cutler, P.A.  
777 S. Harbour Island Boulevard  
Tampa, Florida 33602  
Phone: (813) 223-7000  
Attorneys for Appellant  
Florida Power Corporation

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, was furnished by U.S. Mail to Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; James D. Wing, Esquire, 701 Brickell Ave., 30th Floor, P.O. Box 015441, Miami, FL 33101, Gail P. Fels,

Esquire, Assistant County Attorney, Dade County Aviation  
Department, Post Office Box 592075 AMF, Miami, Florida 33159  
(counsel for Dade County); Robert Scheffel Wright, Esquire,  
Landers & Parsons, 310 West College Avenue, Post Office Box 271,  
Tallahassee, Florida 32302 (counsel for Montenay); and David E.  
Smith, Esquire, Director of Appeals, Florida Public Service  
Commission, 2540 Shumard Oak Boulevard, Third Floor, Gunter  
Building, Tallahassee, Florida 32399-0850 (counsel for Florida  
Public Service Commission) and John Beranek, Esquire, Auslely &  
McMullen, P.O. Box 391, Tallahassee, Florida 32302 (counsel for  
Lake Cogen), this 25<sup>th</sup> day of June, 1999.

A handwritten signature in black ink, appearing to be "J. Beranek", written over a horizontal line.

Attorney