

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition to determine need for Gainesville Renewable Energy Center in Alachua County, by Gainesville Regional Utilities and Gainesville Renewable Energy Center, LLC.	DOCKET NO. 090451-EM ORDER NO. PSC-10-0221-PCO-EM ISSUED: April 6, 2010
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SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

On September 18, 2009, Gainesville Regional Utilities (GRU) and Gainesville Renewable Energy Center, LLC (GREC LLC) filed a joint petition for a determination of need for a proposed biomass-fired electric generating facility to be located at GRU's existing Deerhaven plant site in Alachua County, Florida, pursuant to section 403.519, Florida Statutes (F.S.), and Rule 25-22.081, Florida Administrative Code (F.A.C.). By Order No. PSC-09-0671-PCO-EM, issued October 8, 2009, a procedural schedule was established setting forth the controlling dates for this docket. A public hearing on this matter was held in Gainesville, Florida, on December 9, 2009, and a formal administrative hearing was held on December 16, 2009, where the parties entered testimony and exhibits into the record.

At the Agenda Conference on February 9, 2010, the Commission considered the staff's recommendation regarding the petition for determination of need. At the Agenda Conference, GRU/GREC LLC requested that the Commission defer consideration of the recommendation and allow for a limited reopening of the record to receive supplemental testimony and exhibits. GRU/GREC LLC waived all statutory and rule time requirements related to its joint petition. A hearing date to receive the supplemental testimony and exhibits is scheduled for April 15, 2010. In approving the limited reopening of the record, the Commission did not add any additional issues for consideration.

On March 3, 2010, a Status Conference was held to establish the schedule for the entrance of additional evidence into the hearing record, and to consider any other matters that may aid in the efficient disposition of this case. By Order No. PSC-10-0135-PCO-EM, issued March 8, 2010, the first revised procedural schedule was established setting forth the controlling dates for the additional hearing date along with noticing requirements pursuant to Section 403.519, F.S.

Pursuant to Section 403.519(2), F.S., the applicants were to provide notice of the additional hearing date "in a newspaper of general circulation in each county in which the proposed electrical power plant will be located . . . at least 21 days prior to the scheduled date for the proceeding." On April 2, 2010, counsel for the joint applicants notified Commission staff that the applicants had failed to timely provide notice pursuant to Section 403.501(2), F.S., and as required by Order No. PSC-10-0135-PCO-EM. Upon discussion at the April 5, 2010, Prehearing Conference, in order to comply with the requirements of the statute, it is appropriate to reschedule the additional hearing date to May 3, 2010. In addition, to accommodate this later

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hearing date, a Special Agenda Conference has been scheduled for June 2, 2010. Therefore, the following controlling dates are revised and shall govern the remaining activities for this docket:

Controlling Dates

- | | |
|-------------------------|--------------|
| (1) Hearing | May 3, 2010 |
| (2) Post-Hearing Briefs | May 13, 2010 |

Further, the applicants shall timely publish notice for the rescheduled additional hearing date in accordance with Section 403.519(2), F.S., in a newspaper of general circulation in each county in which the proposed biomass project will be located. That newspaper notice shall be published no later than April 12, 2010.

This Order is issued pursuant to the authority granted by Rule 28-106.211, F.A.C., which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case. Accordingly, the following procedures and controlling dates shall govern the activities for this limited reopening of the record.

Based upon the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the provisions of Order No. PSC-09-0671-PCO-EM, issued October 8, 2009, and Order No. PSC-10-0135-PCO-EM, issued March 8, 2010, are amended as set forth in the body of this Order. It is further

ORDERED that Order Nos. PSC-09-0671-PCO-EM and PSC-10-0135-PCO-EM, are reaffirmed in all other respects.

By ORDER of Commissioner Nathan A. Skop, as Prehearing Officer, this 6th day of April, 2010.



NATHAN A. SKOP
Commissioner and Prehearing Officer

(SEAL)

ELS

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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.