

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of solar energy
power purchase agreement between Tampa
Electric Company and Energy 5.0, LLC.

DOCKET NO. 090109-EI
ORDER NO. PSC-10-0283-PCO-EI
ISSUED: May 6, 2010

ORDER GRANTING MOTION FOR EXTENSION OF TIME
AND SHORTENING DISCOVERY RESPONSE TIME

The procedural schedule in this docket is governed by Order No. PSC-10-0133-PCO-EI, issued March 5, 2010, which was subsequently modified by Order Nos. PSC-10-0225-PCO-EI, issued April 7, 2010, and PSC-10-0272-PCO-EI, issued April 30, 2010, in order to provide the parties additional time to file testimony and exhibits.

Motion

By unopposed motion, dated May 5, 2010, Tampa Electric Company (TECO) and Energy 5.0, LLC (Energy 5.0) jointly requested an additional extension of time in which to file their testimony and exhibits.

Energy 5.0 and TECO assert that they are in need of a two-day extension until 5:00 p.m. on May 7, 2010, to enable them to complete and submit their direct testimonies and exhibits in an orderly fashion in this proceeding. Additionally, Energy 5.0 and TECO assert that Mosaic Fertilizer LLC (Mosaic) does not object to their request, provided Mosaic receives a corresponding two-day extension with respect to filing its testimony and exhibits. Energy 5.0 and TECO assert that their request should not present a burden to any party nor delay this proceeding. Additionally, Energy 5.0 and TECO do not oppose a shortened discovery response time.

Ruling

Therefore, having reviewed this unopposed motion, the testimony filing dates for all parties shall be revised as follows:

- | | |
|---|--------------|
| (1) Utility's testimony and exhibits | May 7, 2010 |
| (2) Intervenors' testimony and exhibits | May 21, 2010 |
| (3) Staff's testimony and exhibits, if any | May 26, 2010 |
| (4) Rebuttal testimony and exhibits, if any | May 26, 2010 |

Furthermore, in order to accommodate this change in testimony filing dates, the discovery response time shall be shortened and all parties shall serve discovery responses within ten (10) calendar days of receipt of the discovery request.

DOCUMENT NUMBER-DATE

03811 MAY-6 2010

FPSC-COMMISSION CLERK

Conclusion

This change in testimony filing dates and discovery response times will allow adequate time for Commission staff and the parties to review testimony and exhibits being filed in this proceeding. All other procedures and dates established in Order No. PSC-10-0133-PCO-EI shall remain the same.

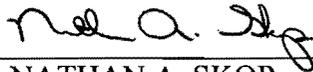
This Order is issued pursuant to the authority granted by Rule 28-106.211, Florida Administrative Code (F.A.C.), which provides that the presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, prevent delay, and promote the just, speedy, and inexpensive determination of all aspects of the case.

Based upon the foregoing, it is

ORDERED by Commissioner Nathan A. Skop, as Prehearing Officer, that the Motion filed by Tampa Electric Company and Energy 5.0, LLC is hereby granted as set forth herein. It is further

ORDERED that Order No. PSC-10-0133-PCO-EI is reaffirmed in all other respects.

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