

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to determine need for )  
Seminole combined cycle facility, by ) DOCKET NO. 20170266-EC  
Seminole Electric Cooperative, Inc. )  
)  
In re: Joint petition for determination )  
of need for Shady Hills combined cycle ) DOCKET No. 20170267-EC  
facility in Pasco County, by Seminole )  
Electric Cooperative, Inc. and Shady ) FILED: January 17, 2018  
Hills Energy Center, LLC. )  
)  
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**QUANTUM PASCO POWER, L.P.'S, MICHAEL TULK'S AND**  
**PATRICK DALY'S JOINT MOTION FOR EXTENSION**  
**OF INTERVENOR TESTIMONY FILING DATES ESTABLISHED**  
**BY ORDER NO. PSC-2018-0018-PCO-EC**

Quantum Pasco Power, L.P. ("Quantum"), Michael Tulk ("Tulk"), and Patrick Daly ("Daly") (collectively referred to as "Intervenors"), pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), hereby respectfully move for an extension of the time for filing Intervenor testimony and exhibits in this docket set by Order No. PSC-2018-0018-PCO-EC, of eleven days, up to and including February 5, 2018. In summary, given that Seminole initiated this consolidated docket by filing its need determination petitions, direct testimony, and exhibits on December 21, 2017, the eve of the Christmas and New Year's holidays, and given that the Order Establishing Procedure was not issued until January 5, 2018, only 20 days before Intervenors' testimony would be due, Intervenors request a brief (11-day) extension of time to file their testimony and exhibits. This extension will allow Intervenors a more meaningful opportunity to continue to consult with expert witnesses and prepare testimony addressing the important issues raised in these consolidated

dockets. Moreover, Intervenors respectfully suggest that with minor modifications to the subsequent controlling dates, no party will be prejudiced by this request. Intervenors request that this motion be granted for good cause and in support thereof, state the following:

1. Quantum participated in Seminole's RFP dated March 1, 2016, in which Seminole sought proposals to meet its projected needs for capacity of 600 MW by June 2021, increasing to 1000 MW of need by June 2022.<sup>1</sup> Quantum timely submitted its proposals on March 1, 2016, and provided supplemental and updated information to Seminole on May 7, 2016 and October 11, 2016. Quantum's proposals included multiple options for tolling agreements for 100% of the Pasco Facility output and the outright purchase by Seminole of the Pasco Facility. Quantum was not selected by Seminole as a winning bidder.

2. Tulk and Daly are member-consumers of the Withlacoochee River Electric Cooperative, Inc., a member distribution cooperative of Seminole and a primarily-affected utility within the meaning of Rule 25-22.081, F.A.C.

3. On December 21, 2017, on the eve of the Christmas and New Year's holidays, Seminole initiated Commission Docket No. 20170266-EC by filing its "Petition for Determination of Need for Seminole Combined Cycle Facility" and supporting direct testimony

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<sup>1</sup> Seminole now projects a need for 901 MW of capacity by the end of 2021, increasing to a projected need of 1,265 MW of capacity

and exhibits. Also on December 21, 2017, Seminole initiated Commission Docket 20170267-EC by filing jointly with Shady Hills Energy Center, LLC, a "Joint Petition for Determination of Need for Shady Hills Combined Cycle Facility" (the "Shady Hills Petition") and supporting testimony and exhibits, significant amounts of which are redacted from the publicly available versions.<sup>2</sup> (These two need determination petitions are referred to collectively herein as "Seminole's Petitions.")

4. Seminole did not inform Quantum or otherwise notify or consult with Quantum concerning its intent to file the above-cited need determination petitions, either before or after filing them.

5. On January 5, 2018, the Prehearing Officer issued the Order Establishing Procedure and Consolidating Docket Nos. 20170266-EC and 20170267-EC for Hearing (Order No. PSC-2018-0018-PCO-EC). The Order Establishing Procedure establishes the following controlling dates:

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|-----|--|-------------------|
| (1) | Utility's testimony and exhibits       | December 21, 2017 |
| (2) | Intervenor's testimony and exhibits    | January 25, 2018  |
| (3) | Staff's testimony and exhibits, if any | February 1, 2018  |
| (4) | Rebuttal testimony and exhibits        | February 15, 2018 |
| (5) | Prehearing Statements                  | March 5, 2018     |

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by the end of 2022.

<sup>2</sup> By order dated January 5, 2018, the Commission consolidated Docket No. 20170266-EC with Docket No. 20170267-EC.

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|-----|-----------------------|-------------------|
| (6) | Discovery deadline    | March 9, 2018     |
| (7) | Prehearing Conference | March 12, 2018    |
| (8) | Hearing               | March 21-22, 2018 |
| (9) | Briefs                | April 4, 2018     |

6. On January 17, 2018, Quantum filed its motion to intervene in the consolidated docket. Also on January 17, 2018, Tulk and Daly filed their joint motion to intervene in this docket.

7. Rule 28-106.204(4), F.A.C., provides "[m]otions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and state good cause for the request." Accordingly, this motion is timely filed.

8. As noted above, Seminole and Shady Hills initiated these consolidated proceedings, in which the petitioners seek approval to build more than 1,700 megawatts of new generating capacity, on December 21, 2017. The Order Establishing Procedure ("OEP") was issued on January 5, 2018; this timing would allow only 20 days (13 non-holiday business days) from the issuance of the OEP for Quantum, Tulk, and Daly to file Intervenor testimony and exhibits. The Intervenors respectfully suggest that this amount of time is insufficient to allow them to consult with expert witnesses, have those witnesses analyze complete information,<sup>3</sup> conduct even one round of discovery, and prepare

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<sup>3</sup> Counsel for the Intervenors have tendered to counsel for Seminole and Shady Hills a proposed Confidentiality Agreement in

pre-filed testimony and exhibits, and then file that testimony concerning the important issues raised in this proceeding.

9. Accordingly, and fully respecting the key controlling dates for these proceedings, specifically the dates of the Prehearing Conference (March 12) and the Hearing (March 21-22), Intervenors request an 11-day extension of time, up to and including February 5, 2018, for them to be able to file testimony and exhibits in this consolidated docket. The Intervenors also propose the following corresponding, minor modifications to the subsequent controlling dates, namely extending the date for Staff testimony by 11 days to February 12, 2018, and the date for Petitioners' Rebuttal testimony by 11 days to February 26, 2018. This short extension of time should not materially affect or prejudice either the Staff's preparation of testimony and exhibits, if any, or Seminole's and Shady Hills' preparation of their rebuttal testimony and exhibits. The requested extensions will also allow for an additional round of discovery to be conducted by the Intervenors on Seminole and Shady Hills, within the discovery time set forth in the OEP, provided that such requests are served on February 27, the day after the Petitioners' Rebuttal testimony would be due pursuant to the Intervenors' motion.

10. This requested extension of time is predicated on the

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a good-faith effort to expedite their access to the redacted material and thereby to expedite these proceedings.

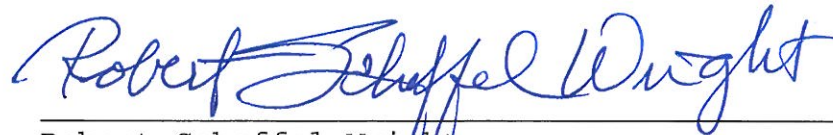
good causes of : (a) assuring adequate time for Quantum Pasco Power, L.P., a viable competitor to meet Seminole's needs, to prepare its case for presentation to the Commission in this important proceeding that involved more than 1,700 MW of new generating capacity; (b) assuring that substantially affected customers, Michael Tulk and Patrick Daly, have the same opportunity to present their case to the Commission to protect their interests; and (c) promoting the Commission's interest and the public interest in having a full and fair evaluation of all alternatives to the proposed new power plans to ensure that only the most cost-effective alternatives are selected and that no facilities, including the Pasco Facility, are uneconomically duplicated by the proposed new plants. Further, the proposed extension does not prejudice the Staff, the Petitioners, or any other potential party, because it respects and keeps the existing discovery cutoff date, the existing date for the Prehearing Conference, and the existing hearing dates established in the OEP. Accordingly, for these good causes shown, the Commission should grant this motion.

11. Pursuant to Rule 28-106.204(3), F.A.C., undersigned counsel conferred with counsel for Seminole and Shady Hills and hereby report that Seminole and Shady Hills oppose this motion.

WHEREFORE, Quantum Pasco Power, L.P., Michael Tulk, and Patrick Daly hereby request that the Prehearing Officer grant

this motion for extension of time.

Respectfully submitted this 17th day of January 2018.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following by electronic mail on this 17th day of January 2018.

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