

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of Numeric
Conservation Goals by Florida
Power & Light Company.

DOCKET NO. 971004-EG

In re: Adoption of Numeric
Conservation Goals by Florida
Power Corporation.

DOCKET NO. 971005-EG

In re: Adoption of Numeric
Conservation Goals by Gulf Power
Company.

DOCKET NO. 971006-EG

In re: Adoption of Numeric
Conservation Goals by Tampa
Electric Company.

DOCKET NO. 971007-EG
ORDER NO. PSC-99-0511-PCO-EG
ISSUED: March 11, 1999

ORDER GRANTING MOTION FOR EXTENSION OF TIME
AND CONTINUING HEARING

On December 30, 1998, Legal Environmental Assistance Foundation (LEAF) filed a Motion To Extend Discovery Schedule and Filing Date For LEAF's Testimony and Exhibits. LEAF cites four bases for its' request; (1) reviewing the filings of the utilities will take time; (2) conducting discovery to secure relevant information that is necessary to develop LEAF's position and testimony will take time; (3) completing the computer based technical analyses that form the basis for LEAF's testimony and exhibits will take time; (4) preparing and distributing LEAF's testimony and exhibits will take time. (LEAF Motion, pgs. 2-4) LEAF's Motion appears to request an extension of time for the discovery schedule and filing of LEAF's testimony for a period of approximately five months. Currently, the deadline for the filing of LEAF's testimony and exhibits is March 22, 1999. The deadline for the completion of discovery is April 23, 1999.

On January 6, 1999, Florida Power & Light Company (FPL) and Tampa Electric Company (TECO) filed separate responses in opposition to LEAF's Motion. FPL states that the five month extension sought by LEAF is unreasonable because it will seriously delay the already extensive process regarding DSM goals and

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programs, it will significantly delay the hearing and the decision on goals and it will defer the date DSM program modifications will take effect. (FPL Response, pg. 1) However, FPL does not oppose a "modest" extension of time for LEAF. (FPL Response, pg. 2)

TECO states that LEAF's procedural motion is tardy and should be summarily denied. The Order Establishing Procedure in these dockets, Order No. PSC-98-0384-PCO-EG, was issued nearly a year ago on March 10, 1998. In addition, TECO points out that LEAF's Motion is not specific as to the extent of additional time requested and could be construed to request an extension of LEAF's filing date for testimony beyond the actual hearing date set forth in the Order. (TECO Response, pg. 1)

In its Motion To Extend Discovery Schedule and Filing Date For LEAF's Testimony & Exhibits, LEAF does not expressly ask for a continuance of the hearing in these dockets scheduled for May 10-14, 1999. The extension of time requested by LEAF would cause a continuance of these hearings. Motions for extension of time are governed by Rule 28-106.204(5), Florida Administrative Code. The Rule states: "[m]otions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request." Continuances are governed by Rule 28-106.210, Florida Administrative Code which states that "[t]he presiding officer may grant a continuance of a hearing for good cause shown."

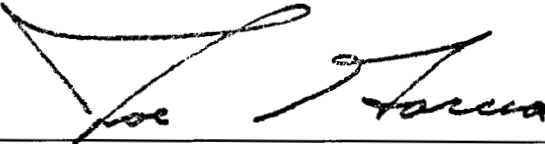
LEAF's Motion was properly filed prior to the deadlines sought to be extended. LEAF has demonstrated good cause for an extension of time to conduct discovery and file its testimony and exhibits. It is recognized that an extension of time will cause a continuance of these proceedings. As such, the hearings in these dockets shall be continued until August 18-20, 1999. An Amended Order Establishing Procedure will be issued providing revised due dates, including LEAF's filing dates, for these dockets.

Based on the foregoing, it is

ORDERED by Chairman Joe Garcia, as prehearing officer, that Legal Environmental Assistance Foundation, Inc.'s Motion For Extension of Time is granted and the hearings in these dockets shall be continued until August 18-20, 1999.

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By ORDER of Chairman Joe Garcia, as Prehearing Officer, this
11th day of March, 1999.



JOE GARCIA *by K. Stewart*
Chairman and Prehearing Officer

(S E A L)

LJP/RVE

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, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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

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Records and Reporting, 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.