

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens of the State of Florida to require Progress Energy Florida, Inc. to refund customers \$143 million.

DOCKET NO. 060658-EI  
ORDER NO. PSC-07-0182-PCO-EI  
ISSUED: February 27, 2007

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE

On August 10, 2006, the Office of Public Counsel (OPC) filed a Petition (Petition) to Require Progress Energy Florida, Inc. (PEF) to Refund its Customers \$143 million. The Petition was filed in the fuel cost recovery docket, Docket No. 060001-EI, but OPC requested that the Petition be moved to a separate docket. On January 16, 2007, Order No. PSC-07-0048-PCO-EI (OEP) was issued in the instant docket, setting forth the controlling dates for this docket. On January 29, 2007, OPC and the Commission Staff (Staff) each filed an unopposed Motion seeking an extension of time in which to file testimony. Accordingly, on February 15, 2007, Order No. PSC-07-0132-PCO-EI (First Revised OEP) was issued to reflect the new filing dates for OPC's and Staff's testimony and also set forth several revised controlling dates for this docket.

On February 12, 2007, PEF filed a Motion to Extend Discovery Deadline, and on February 16, 2007, PEF filed a Motion for Extension of Time to File Testimony in Response to Commission Staff Testimony. These Motions and the resulting modification of certain controlling dates for this docket are discussed below.

PEF's Motion to Extend Discovery Deadline

On February 12, 2007, PEF filed its Motion to Extend Discovery Deadline seeking to extend the discovery deadline from March 19, 2007 until and including March 27, 2007. In support of its Motion, PEF states that it has agreed to an extension of time for both Commission Staff and OPC to submit testimony until February 13, 2007 and March 6, 2007, respectively, and that the requested extension of the discovery deadline will provide PEF a more adequate time to prepare discovery requests based on the testimony received. Further, PEF states that it has discussed its request with counsel for OPC, Staff, and AARP and is authorized to represent that none of the parties object to the extension.

Having considered the foregoing, it appears that the requested extension is reasonable, will not prejudice the parties to this proceeding, and will not delay the speedy resolution of the issues. Accordingly, PEF's Motion to Extend Discovery Deadline until and including March 27, 2007, is granted.

PEF's Motion for Extension of Time to File Testimony in Response to Staff's Testimony

On February 16, 2007, PEF filed its Motion for Extension of Time to File Testimony in Response to Commission Staff Testimony. In its Motion, PEF notes that the requested extension to March 6, 2007, is consistent with the date granted to OPC to file its rebuttal testimony, and

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further states that the extension is necessary to provide PEF a fair opportunity to evaluate Staff's testimony and exhibits, to conduct discovery, and to respond to the testimony. PEF also alleges in its Motion that the testimony filed by Staff is beyond the scope of this proceeding in that it raises an issue that was not raised by OPC's petition and testimony. PEF states that it plans to file a Motion to Strike Staff's testimony, but pending a ruling on its anticipated Motion to Strike, PEF must request an extension of time to respond to Staff's testimony with testimony of its own. PEF also states that it has discussed its request with counsel for OPC, Staff, and AARP and is authorized to represent that none of the parties object to the extension.

Having considered the foregoing, it appears that the requested extension is reasonable, will not prejudice the parties to this proceeding, and will not delay the speedy resolution of the issues. Accordingly, PEF's Motion for Extension of Time to File Testimony in Response to Staff's Testimony by March 6, 2007, is granted.

New Controlling Dates

Based on the foregoing, the following revised controlling dates shall govern this case:

Rebuttal Testimony, PEF	March 6, 2007
Discovery Deadline	March 27, 2007

All other controlling dates shall remain as established by Order Nos. PSC-07-0048-PCO-EI and PSC-07-0132-PCO-EI.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Progress Energy Florida, Inc.'s Motion to Extend Discovery Deadline to March 27, 2007, is hereby granted. It is further,

ORDERED that Progress Energy Florida, Inc.'s Motion for Extension of Time to File Testimony in Response to Commission Staff Testimony by March 6, 2007, is hereby granted. It is further

ORDERED that Order Nos. PSC-07-0048-PCO-EI and PSC-07-0132-PCO-EI are reaffirmed in all other respects.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 27th  
day of February, 2007.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

(SEAL)

LAH

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 Director, Division of the Commission Clerk and Administrative Services, 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.