

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-07-0236-PCO-EI
ISSUED: March 15, 2007

ORDER CONFIRMING PARTY STATUS

The Office of Public Counsel (OPC) filed a petition on behalf of the Citizens of the State of Florida to require Progress Energy Florida, Inc. (PEF) to refund to its customers \$143 million dollars (Petition) in Docket No. 060001-EI – In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor. OPC requested that the hearing on the refund issue be held at a different date from the fuel hearing because of the complexity of the issues involved. PEF agreed to this request, and this docket was established to take up the refund issues (Refund Docket). On January 16, 2007, Order No. PSC-07-0048-PCO-EI (Order Establishing Procedure) was issued and set this matter for hearing on April 2-4, 2007. That Order set forth certain filing and participation requirements for all parties to this docket, unless excused by the Prehearing Officer.

Because the parties to Docket No. 060001-EI would have participated in the resolution of the refund issues if those issues had remained in Docket No. 060001-EI, all of the parties that had been designated as a Party of Record in Docket No. 060001-EI were also designated as a Party of Record in the Refund Docket. As discussed below, several of the parties to the Refund Docket have since requested that their designation be changed.

Interested Persons

The Federal Executive Agencies (FEA) and Gulf Power Company (Gulf) both wish to remain in the Refund Docket under the designation of an “Interested Person,” rather than as a “Party of Record.” As Interested Persons, FEA and Gulf will receive notices and orders issued in this docket by the Division of the Commission Clerk and Administrative Services, but will not be subject to the requirements of the Order Establishing Procedure. In addition, the parties to this docket will not be required to serve FEA’s and Gulf’s representatives with copies of testimony, exhibits, pleadings, or other documents that may hereinafter be filed in this proceeding.

Inactive Party Status

Florida Power & Light (FPL), Florida Public Utilities Corporation (FPUC), Tampa Electric Company (TECO), and the Florida Retail Federation (FRF) have each filed a Request for Inactive Party Status. In their Requests, each party states that it wishes to continue to receive copies of all pleadings, notices and orders, but does not intend to actively participate in the docket. Further, each party requests excusal from the filing and participation requirements that would otherwise apply to the parties. All parties to this docket were informed of each party’s

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intention to request Inactive Party Status via electronic mail, and no objections to the requests were received.

Ruling

Having considered the foregoing, I find it appropriate that FEA and GULF each be designated as an "Interested Person" to this docket. In addition, due to the far-reaching policy issues that will be implicated in the resolution of this docket, and because all parties to Docket No. 060001-EI would have participated in the resolution of the refund issues if those issues had remained in Docket No. 060001-EI, I find it appropriate that FPL, FPUC, TECO, and FRF each be granted "Inactive Party Status." FPL, FPUC, TECO, and FRF shall be excused from the filing and participation requirements imposed by the Order Establishing Procedure. Finally, several of the parties to the docket have agreed that only one of their designated representatives should be served copies of testimony, exhibits, and pleadings filed in this docket. The addresses to which parties should furnish copies of testimony, exhibits, pleadings, and other documents filed hereinafter in this proceeding are listed below.

Therefore, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the Office of Public Counsel, Progress Energy Florida, Inc., AARP, Florida Industrial Power Users Group, White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate White Springs, and the Office of the Attorney General shall remain designated as a "Party of Record" to this docket, and shall be required to comply with the filing and participation requirements set forth in Order No. PSC-07-0048-PCO-EI. It is further

ORDERED that the Federal Executive Agencies and Gulf Power Company shall each be designated as an "Interested Person" to this docket. It is further

ORDERED that Florida Power & Light, Florida Public Utilities Corporation, Tampa Electric Company, and the Florida Retail Federation shall be granted "Inactive Party Status" and shall be excused from the filing and participation requirements set forth by Order No. PSC-07-0048-PCO-EI. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings, and other documents that may hereinafter be filed in this proceeding, to:

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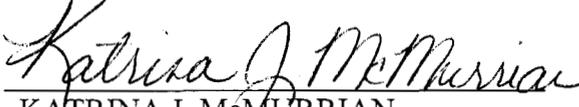
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By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 15th
day of March, 2007.


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.