

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for  
Levy Units 1 and 2 nuclear power plants, by  
Progress Energy Florida, Inc.

DOCKET NO. 080148-EI  
ORDER NO. PSC-08-0278-PCO-EI  
ISSUED: April 30, 2008

ORDER ALLOWING MEMORANDUM ON ADDITIONAL ISSUES

On March 11, 2008, Progress Energy Florida, Inc. (PEF) filed a petition for a determination of need for proposed nuclear power plants in Levy County, pursuant to Section 403.519, Florida Statutes (F.S.), and Rule 25-22.080, Florida Administrative Code (F.A.C.). By Order No. PSC-08-0151-PCO-EI (Order Establishing Procedure), issued March 12, 2008, a hearing date was scheduled for the Commission to take up this petition, and controlling dates were also established for this proceeding. The Order Establishing Procedure also identified a list of eight tentative issues for determination by the Commission and also stated that, “[t]he scope of this proceeding will be based upon these issues as well as other issues raised by the parties up to and during the Prehearing Conference, unless modified by the Commission.” By Order Nos. PSC-08-0245-PCO-EI and PSC-08-0253-PCO-EI, intervention was granted to White Springs Agricultural Chemicals, Inc. d/b/a PCS Phosphate – White Springs (White Springs) and the Southern Alliance for Clean Energy (SACE), respectively.

Since the list of tentative issues was published, the parties met informally on April 24, 2008, to reach consensus on the framing of the issues; however, it appears that no consensus was reached. Accordingly, to facilitate rulings that will be necessary at the May 12, 2008, prehearing conference, all parties are encouraged to file a memorandum setting forth the rationale for the inclusion or exclusion of the following additional issues raised by White Springs and SACE:

- ISSUE 9: Should the Commission separately assess the need for each of the proposed generating units using the criteria set forth in Section 403.519(4), Florida Statutes?
- ISSUE 10: Should the Commission require, as a condition of granting a determination of need for the proposed units, that Progress Energy Florida, Inc. implement contractual and other strategies required to effectively manage the units' construction cost and schedule and the risks to consumers associated with cost overruns and project delays?

Such memorandum shall be filed no later than May 7, 2008.

Based upon the foregoing, it is

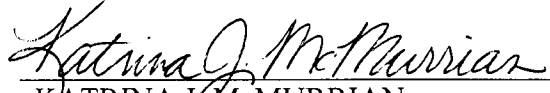
ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the parties may file a memorandum on the issues as discussed above by May 7, 2008.

DOCUMENT NUMBER-DATE

03490 APR 30 08

FPSC-COMMISSION CLERK

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 30th  
day of April, 2008.

  
KATRINA J. McMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

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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 25-22.060, 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.