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Public Service Commission

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COMMISSION
CLERK

DATE: February 4, 2004

TO: Kay E. Flynn, Chief of Records and Hearing Services, Division of the Commission Clerk & Administrative Services

FROM: Martha C. Brown, Senior Attorney, General Counsel *MCB*

RE: Docket No. 031122-EI – Petition for approval of revised underground residential distribution tariffs by Progress Energy Florida, Inc.

Please include the attached letter from Progress Energy Florida waiving the 60 day tariff suspension deadline of Section 366.06(3), Florida Statutes, in the file for this docket. Thank you.

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JAMES A. MCGEE
ASSOCIATE GENERAL COUNSEL
PROGRESS ENERGY SERVICE COMPANY, LLC

January 27, 2004

Martha Carter Brown, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

JAN 28 2004

Re: Docket No. 031122-EI

Dear Ms. Brown:

Confirming earlier conversations between Elisabeth Draper and our Tom Klamer, this is to advise that Progress Energy Florida, Inc., waives its right pursuant to Section 366.06(3), F.S., to place the proposed underground differentia charges filed with its petition in the subject docket into effect absent action by the Commission to withhold its consent to the proposed charges within 60 days of such filing. If it is your desire, please feel free have the Clerk place this waiver letter in the docket file.

Please let me know if should have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. McGee".

James A. McGee

JAM/scc

cc: Ms. Elisabeth Draper
Mr. Tom Klamer