

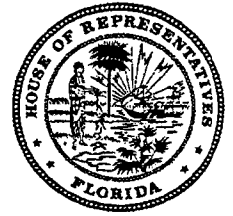
ORIGINAL

TOM LEE
President

ALLEN BENSE
Speaker



STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL



C/O THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

Harold McLean
Public Counsel

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV

Joseph A. McGlothlin
Associate Public Counsel

September 13, 2006

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-PPSC
06 SEP 13 PM 4:20
COMMISSION
CLERK

Re: Docket No. 060001-EI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Response to PEF's Request for Oral Argument.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Joseph A. McGlothlin
Associate Public Counsel

CMP _____
COM 5
CTR _____
ECR _____
GCL _____
OPC _____
RCA _____
SCR _____
SGA _____
SEC 1
JAM:bsr
DTH KAP.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08395 SEP 13 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)
Cost Recovery Clause with)
Generating Performance Incentive)
Factor)
_____)

DOCKET NO. 060001-EI

September 13, 2006

CITIZENS' RESPONSE TO
PEF'S REQUEST FOR ORAL ARGUMENT

The Citizens of the State of Florida, through the Office of Public Counsel, respond to Progress Energy Corporation Inc.'s (PEF) Request for Oral Argument, and state:

On this date Citizens are filing their Memorandum in Opposition to PEF's Motion to Dismiss PEF's Motion to Dismiss Citizen's Petition for Order Requiring Progress Energy Florida, Inc. to Refund to Customers \$143 Million, Representing Past Excessively High Fuel Costs Stemming from Failure to Utilize the Most Economical Sources of Coals for Crystal River Units 4 and 5. Citizens believe that the sufficiency of the Petition to withstand the Motion to Dismiss is clear cut. Citizens further believe that a review of Citizens' Memorandum will demonstrate that PEF's Motion to Dismiss is premised on mischaracterizations of the Petition, attempts to place "defenses" before the Commission in violation of the standard governing the disposition of a motion to dismiss, and PEF's effort to create a new, confining definition of the Commission's jurisdiction over past collected fuel charges that palpably misstates the holding of the Florida Supreme Court case that PEF cites in support of its position. Citizens are prepared to

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FPSC-COMMISSION CLERK

orally argue these points if the Commission believes argument is needed or would be helpful to its consideration of PEF's motion and Citizens' response.

Harold McLean
Public Counsel


Joseph A. McGlothlin
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

DOCKET NO. 060001-EI
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of CITIZENS' RESPONSE TO PEF'S REQUEST FOR ORAL ARGUMENT has been furnished by electronic mail and U.S. Mail on this 13th day of September, 2006, to the following:

James Beasley
Lee Willis
Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302

John McWhirter, Jr.
McWhirter, Reeves Law Firm
400 North Tampa St., Suite 2450
Tampa, FL 33602

Bill Walker
Florida Power & Light Co.
215 S. Monroe St., Suite 810
Tallahassee, FL 32301-1859

R. Wade Litchfield
Florida Power & Light Co.
700 Universe Blvd.
Juno Beach, FL 33408-0420

Paul Lewis
Progress Energy Florida, Inc.
106 E. College Ave., Suite 800
Tallahassee, FL 32301-7740

Susan D. Ritenour
Richard McMillan
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Tim Perry
McWhirter Law Firm
117 South Gadsden St.
Tallahassee FL 32301

Norman H. Horton, jr.
Fred R. Self
Messer Law Firm
P.O. Box 1876
Tallahassee, FL 32302-1876

John T. Butler, P.A.
Florida Power & Light Company
9250 West Flagler Street
Miami, FL 33174

Brenda Irizarry
Tampa Electric Company
P.O. Box 111
Tampa, FL 33602-0111

Lisa Bennett
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Jeffery A. Stone
Russell Badders
P.O. Box 12950
Pensacola, FL 32591

Lieutenant Colonel Karen White
Captain Damund Williams
Federal Executive Agencies
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

Cheryl Martin
Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, FL 33402-3395

John T. Burnett
Post Office Box 14042
St. Petersburg, FL 33733


Gary Sasso
J. Walls
D. Triplett
Carlton Fields Law Firm
P.O. Box 3239
Tampa, FL 33601-3239

Florida Retail Federation
100 E. Jefferson Street
Tallahassee, FL 32301

Michael B. Twomey
Post Office Box 5256
Tallahassee, FL 32314-5256

Robert Scheffel Wright
Young van Assenderp, P.A.
225 S. Adams St., Ste. 200
Tallahassee, FL 32301

Jack Shreve
Senior General Counsel
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050



Joseph A. McGlothlin
Associate Public Counsel