

Matilda Sanders

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Sent: Friday, May 18, 2007 11:47 AM
To: Filings@psc.state.fl.us
Subject: Filing Docket 070052

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Attachments: PEF Response in Opposition to Amended Joint Motion.pdf



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<<PEF Response in Opposition to Amended Joint Motion.pdf>> Attached for filing on behalf of Progress Energy is Progress Energy Florida, Inc.'s Response in Opposition to Amended Joint Motion to Revise Procedural Milestones of the Order on Procedure. This document has been e-served to counsel of record and paper served to all parties of record on this date.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: PEF's Petition for Determination)
of Need for Expansion of an Electrical)
Power Plant, for Exemption from Rule)
25-22.082, F.A.C., and for Cost Recovery)
through the Fuel Clause)
_____)

Docket No.: 070052

Submitted for Filing: May 18, 2007

**PROGRESS ENERGY FLORIDA, INC.'S RESPONSE IN OPPOSITION TO
AMENDED JOINT MOTION TO REVISE PROCEDURAL MILESTONES
OF THE ORDER ON PROCEDURE.**

Progress Energy Florida, Inc., pursuant to Rule 28-106.204(1), F.A.C., hereby files its Response in Opposition to the Amended Joint Motion to Reschedule Evidentiary Hearing or, in the Alternative, to Revise Procedural Milestones of the Order on Procedure ("Amended Joint Motion"), and states:

The Joint Movants¹ have withdrawn their original request to reschedule the evidentiary hearing in the Amended Joint Motion. The Joint Movants still request three- to four-week extensions of the procedural deadlines set forth in the Order Establishing Procedure ("OEP") "for the reasons stated in the pleading." Amended Joint Motion, ¶ 2. PEF assumes the "pleading" referred to is the original Joint Motion and, accordingly, incorporates by reference its response to the Joint Motion. Again, as pointed out in PEF's previous response, Joint Movants do not show good cause why they cannot meet the current dates in the OEP and why they need such long extensions of the current dates. (See Rules 28-106.204(5) and 28-106.210 F.A.C, requiring "good cause" for extensions and continuances). Ordinarily, PEF agrees and will continue to agree to short extensions of time when a reason is given for the requested extension. Joint Movants, however, ask PEF and the Commission to move back the existing dates by three

¹ The Office of Public Counsel ("OPC"), AARP, the Florida Industrial Power Users Group ("FIPUG") and the Florida Retail Federation ("FRF") jointly filed this motion.

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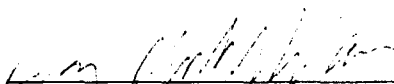
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to four weeks without providing a reason the existing dates cannot be met. Accordingly, PEF cannot agree to the existing, lengthy requested extensions.


WHEREFORE, for all the foregoing reasons, PEF respectfully requests that this Commission deny the Amended Joint Motion and enforce the deadlines established in the OEP.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record and interested parties as listed below via electronic mail where indicated by * and U.S. Mail this ^{17th} 17 day of May, 2007.


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