

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of tariffs offering energy profiler online service and remote access service by Progress Energy Florida, Inc.

DOCKET NO. 031100-EI
ORDER NO. PSC-04-0189-PCO-EI
ISSUED: February 23, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On December 10, 2003 Progress Energy Florida, Inc. (PEF) filed a petition for approval of two new tariff offerings: the Energy Profiler Online Service and the Remote Access Service. The Energy Profiler Online Service is a service that allows large commercial and industrial customers to view their energy usage information on a daily, weekly, or monthly basis via an internet connection. The Remote Access Service is a service that allows large commercial and industrial customers to access their energy usage data at 15 minute intervals and to use that information in customer load management equipment and software.

Pursuant to Section 366.06(3), Florida Statutes, we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days. We require additional time to review the proposed tariffs and make an informed decision about them, and for this reason we will suspend operation of the new tariffs pending that review.

It is therefore,

ORDERED by the Florida Public Service Commission that Progress Energy Florida, Inc.'s proposed Energy Profiler Online Service tariff and Remote Access Service tariff are suspended pending further review. It is further

ORDERED that this docket shall remain open.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 23rd day of February, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By:



Kay Flynn, Chief
Bureau of Records

(SEAL)

MCB

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.

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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.