

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of Progress Energy Florida, Inc.'s benchmark for waterborne transportation transactions with Progress Fuels.

DOCKET NO. 031057-EI
ORDER NO. PSC-04-0375-PCO-EI
ISSUED: April 7, 2004

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE AND GRANTING
JOINT MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

Order No. PSC-04-0067-PCO-EI, issued January 22, 2004, established the procedures and controlling dates that govern this docket. On April 2, 2004, the Office of Public Counsel (OPC) and the Florida Industrial Power Users Group (FIPUG) filed their Joint Motion for Extension of Time to File Testimony (Motion), seeking an extension of the April 7, 2004, deadline for filing their intervenor testimony in this docket. There has been no response filed in opposition to this Motion.

In support of their Motion, OPC and FIPUG state that they have been engaged in good faith settlement discussions with Progress Energy Florida, Inc. (PEF) in this docket. OPC and FIPUG state that extending the due date for their intervenor testimony to April 14, 2004, will permit them to continue to engage in settlement discussions rather than testimony preparation. In their Motion, OPC and FIPUG state that they have no objection to Staff and PEF receiving commensurate extensions of time for their testimony. OPC and FIPUG assert that PEF has no objection to and joins in their Motion.

Based on the foregoing, OPC and FIPUG's request is reasonable and is hereby granted. Therefore, the following revised dates shall govern this case:

Intervenors' Testimony and Exhibits	April 14, 2004
Staff's Testimony and Exhibits, if any	April 28, 2004
Rebuttal Testimony and Exhibits	May 12, 2004

Order No. PSC-04-0067-PCO-EI is affirmed in all other respects.

Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that the controlling dates for filing intervenor, staff, and rebuttal testimony established in Order No. PSC-04-0067-PCO-EI are modified as set forth in the body of this Order. Order No. PSC-04-0067-PCO-EI is affirmed in all other respects.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 7th
day of April, 2004.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

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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 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.