

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-04-0451-PCO-EI
ISSUED: April 30, 2004

ORDER GRANTING JOINT MOTION TO ABATE PROCEEDINGS

By Order No. PSC-04-0067-PCO-EI, issued January 22, 2004, controlling dates and hearing dates were established in this docket. These dates were subsequently modified by Order No. PSC-04-0375-PCO-EI, issued April 7, 2004, and by Order No. PSC-04-0394-PCO-EI, issued April 13, 2004. On April 28, 2004, Office of Public Counsel ("OPC"), Florida Industrial Power Users Group ("FIPUG"), and Progress Energy Florida ("Progress Energy")(jointly, "Movants") filed their Joint Notice of Settlement and Motion to Abate Proceedings.

In support of their Joint Motion, Movants state that they have come to an agreement to settle all the issues in this docket, which eliminates the need for filing Intervenor testimony and the need for a hearing. Movants state that they anticipate filing the settlement agreement for Commission approval shortly. Movants further state that abating this proceeding will prevent Movants and staff from expending further resources in preparation for the hearing in this docket.

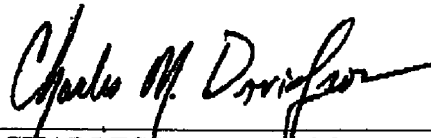
The Joint Motion shall be granted, and all controlling dates in this docket shall be held in abeyance pending the Commission's consideration of the settlement agreement.

Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that the Joint Motion to Abate Proceedings filed by OPC, FIPUG, and Progress Energy is granted. It is further

ORDERED that all controlling dates in this docket are held in abeyance.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 30th day of April, 2004.



CHARLES M. DAVIDSON
Commissioner and Prehearing Officer

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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.