

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens of the State of Florida to require Progress Energy Florida, Inc. to refund customers \$143 million.

DOCKET NO. 060658-EI
ORDER NO. PSC-07-0132-PCO-EI
ISSUED: February 15, 2007

FIRST ORDER REVISING ORDER ESTABLISHING PROCEDURE

On August 10, 2006, the Office of Public Counsel (OPC) filed a Petition (Petition) to Require Progress Energy Florida, Inc. (PEF) to Refund its Customers \$143 million. The Petition was filed in the fuel cost recovery docket, Docket No. 060001-EI, but OPC requested that the Petition be moved to a separate docket. This docket was opened, and on January 16, 2007, Order No. PSC-07-0048-PCO-EI (Order Establishing Procedure, or OEP) was issued and set forth the controlling dates for this docket. For the reasons discussed below, several of these controlling dates shall be modified by this order.

OPC's Motion

On January 26, 2007, OPC filed a Motion for Extension of Time to File Rebuttal Testimony (OPC's Motion). This motion requested permission to file testimony two weeks later than the date scheduled by the OEP. OPC requested its filing date be extended to March 6, 2007. In OPC's Motion, OPC based its reason for the requested extension on the fact that on January 16, 2007, PEF filed testimony of thirteen witnesses, many of whom sponsored numerous exhibits. Because of the number of witnesses, OPC needs additional time to evaluate the testimony and exhibits and to conduct discovery related to the testimony to properly prepare its rebuttal. In its motion, OPC states that it has discussed this request with counsel for PEF and that PEF does not object.

Having considered the foregoing, it appears the requested extension is reasonable, will not prejudice the parties to this proceeding, and will not delay the speedy resolution of the issues. Accordingly, OPC's Motion for Extension of Time to File Rebuttal Testimony by March 6, 2007, is granted.

Staff's Motion

On January 29, 2007, Staff for the Public Service Commission filed a Motion for Extension of Time to File Testimony (Motion). The Motion requested permission to file staff testimony, if any, two weeks later than the date scheduled by the OEP. Staff requested its filing date be extended to February 13, 2007. In its Motion, staff based its reason for the requested extension on recent testimony and exhibits that were filed on behalf of thirteen PEF witnesses on January 16, 2007. Because of the number of witnesses, staff needs additional time to evaluate the testimony and exhibits and to conduct discovery related to the testimony. Staff is authorized by OPC and PEF's counsel to represent that neither party objects to the requested extension.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Based on the foregoing, it appears the requested extension is reasonable, will not prejudice the parties to this proceeding, and will not delay the speedy resolution of the issues. Accordingly, Staff's Motion for Extension of Time to File Testimony by February 13, 2007, is granted.

Prehearing Statements

The OEP set forth March 5, 2007, as the date for filing prehearing statements. By granting OPC's Motion for Extension of Time to File Rebuttal Testimony, the prehearing statements would be filed prior to all testimony being filed. Based on the foregoing, all parties' prehearing statements shall now be due no later than March 9, 2007.

Prehearing Conference and Discovery Deadline

The prehearing scheduled for March 19, 2007, has been rescheduled to March 21, 2007 at 1:30 p.m. Consequently, the date for completion of discovery is now March 21, 2007.

New Controlling Dates

Based on the foregoing, the following revised controlling dates shall govern this case:

Staff Testimony	February 13, 2007
Rebuttal Testimony, OPC	March 6, 2007
Prehearing Statements	March 9, 2007
Prehearing Conference	March 21, 2007
Discovery Deadline	March 21, 2007

All other controlling dates shall remain as established by Order No. PSC-07-0048-PCO-EI.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the Office of Public Counsel's Motion for Extension of Time to File Rebuttal Testimony by March 6, 2007, is hereby granted. It is further,

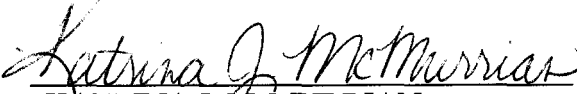
ORDERED that Public Service Commission Staff's Motion for Extension of Time to File Testimony by February 13, 2007, is hereby granted. It is further

ORDERED that prehearing statements shall be filed by March 9, 2007. It is further

ORDERED that the prehearing conference and discovery deadline will be March 21, 2007. It is further

ORDERED that the Order Establishing Procedure, Order No. PSC-07-0048-PCO-EI, is reaffirmed in all other respects.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 15th day of February, 2006.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

LCB

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

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remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.