

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-07-0191-PCO-EI
ISSUED: March 2, 2007

THIRD ORDER REVISING ORDER ESTABLISHING PROCEDURE

On August 10, 2006, the Office of Public Counsel filed a Petition to Require Progress Energy Florida, Inc. to refund its customers \$143 million. By Order No. PSC-07-0048-PCO-EI (original Order Establishing Procedure), a hearing date was scheduled for the Commission to take up this petition. Controlling dates were also established for the proceeding, some of which were revised by Order Nos. PSC-07-0132-PCO-EI and PSC-07-0182-PCO-EI. The original Order Establishing Procedure also identified a list of four tentative issues for determination by the Commission. According to the provisions of the original order, “[t]he scope of this proceeding will be based upon these issues as well as other issues raised by the parties up to and during the Prehearing Conference, unless modified by the Commission.”

Since the list of tentative issues was published, the parties met informally on January 24, 2007, and February 16, 2007, to reach consensus on the framing of the issues; however, it appears that no consensus was reached. Accordingly, to facilitate any rulings concerning the framing of the issues that will be necessary at the March 21, 2007, prehearing conference, all parties are directed to file a memorandum by March 12, 2007, setting forth (1) any issues the parties wish to have the Commission resolve that are not included in the list of tentative issues attached to the original Order Establishing Procedure; (2) the rationale for such proposed additional issues; and (3) the rationale against any other proposed issues that have been identified thus far by the parties. The memorandum shall not exceed 40 pages.

Order Nos. PSC-07-0048-PCO-EI, PSC-07-0132-PCO-EI, and PSC-07-0182-PCO-EI are reaffirmed in all other respects.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that the parties shall file a memorandum on the issues as discussed above by March 12, 2007. It is further

ORDERED that Order Nos. PSC-07-0048-PCO-EI, PSC-07-0132-PCO-EI, and PSC-07-0182-PCO-EI are reaffirmed in all other respects.

DOCUMENT NUMBER-DATE

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By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 2nd
day of March, 2007.


KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

LAH

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.