

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revised  
underground residential distribution tariffs, by  
Progress Energy Florida, Inc.

DOCKET NO. 080186-EI  
ORDER NO. PSC-08-0333-PCO-EI  
ISSUED: May 27, 2008

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

ORDER SUSPENDING REVISED TARIFFS

BY THE COMMISSION:

Rule 25-6.078, Florida Administrative Code (F.A.C.), defines investor-owned utilities' (IOU) responsibilities for filing updated underground residential distribution (URD) tariffs. This rule requires IOUs to file updated URD charges for our approval at least every three years, or sooner if a utility's underground cost differential for the standard low-density subdivision varies from the last approved charge by 10 percent or more. The rule requires IOUs to file on or before October 15 of each year a schedule showing the increase or decrease in the differential for the standard low-density subdivision.

On October 12, 2007, Progress Energy Florida, Inc. (PEF) notified us, pursuant to Rule 25-6.078, F.A.C., that its underground cost differential for the standard low-density subdivision varied from the last approved differential by 42 percent.

To comply with the 10 percent filing requirement of Rule 25-6.078, F.A.C., PEF filed a petition for approval of revised underground residential distribution tariffs on April 1, 2008. PEF calculated the proposed URD charges pursuant to recently revised Rule 25-6.078, F.A.C., which requires the differences in operational and storm restoration costs between underground and overhead systems to be included in the URD calculation.<sup>1</sup> PEF's current URD tariffs were approved in 2006.<sup>2</sup> We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

We require additional time to gather information in order to make an informed decision on PEF's proposed tariff revisions. Pursuant to Section 366.06(3), F.S., we may withhold

<sup>1</sup> See Order No. PSC-07-0043-FOF-EU, issued January 16, 2007, Docket No. 060172-EU, In Re: Proposed rules governing placement of new electric distribution facilities underground, and conversion of existing overhead distribution facilities to underground facilities, to address effects of extreme weather.

<sup>2</sup> See Order No. PSC-06-0479-TRF-EI, issued June 5, 2006, Docket No. 060017-EI, In Re: Petition for approval of revised underground residential distribution tariffs, by Progress Energy Florida, Inc.

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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 believe that the reason stated above is good cause consistent with the requirement of Section 366.06(3), F.S.

Based on the foregoing, it is

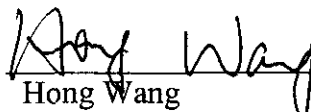
ORDERED by the Florida Public Service Commission that Progress Energy Florida Inc.'s revised Underground Residential Distribution tariffs are hereby suspended. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 27th day of May, 2008.

ANN COLE  
Commission Clerk

By:



Hong Wang  
Office of Commission Clerk

( S E A L )

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.

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 Office of Commission Clerk, 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.