

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to modify tariff sheet No. 4.010
regarding underground commercial and
industrial services by Progress Energy Florida,
Inc.

DOCKET NO. 080200-EI
ORDER NO. PSC-08-0375-PCO-EI
ISSUED: June 4, 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 PETITION TO MODIFY TARIFF SHEET

Background

In December of 2007, a complaint was received from the City of St. Petersburg, Complaint Number 764779C, that Progress Energy Florida, Inc. (PEF or Company) would not replace a commercial underground secondary electric line that PEF had installed in Maximo Park, a park owned by the City of St. Petersburg.

On April 11, 2008, a complaint was received from a Mr. Mike Handley, Complaint Number 774800C, representing himself and four customers who had spent sums of money to upgrade and repair underground electric services after PEF informed them that the repairs would not be performed by the Company.

In discussions with the Company, PEF indicated that it had ceased installing underground electric lines for commercial and industrial customers in the mid 1990's. Commercial and industrial customers wishing to receive underground electric service would have to install their own lines and facilities, subject to PEF's approval. Further discussions with the Company revealed that this change was made through alterations to PEF's Requirements for Electric Service and Meter Installations handbook, which is a supplemental appendix to its tariff that was submitted by PEF but not formally reviewed by us or Commission staff.

On July 13, 2007, PEF filed a new version of its Requirements for Electric Service and Meter Installations handbook which added language in Section III, Part D3, subpart d, stating that existing commercial and industrial underground electric services would not be maintained. PEF stated that this change was made to bring clarity to its previous statement that the Company would not install new commercial and industrial underground electric service.

On April 4, 2008, PEF in response to our request filed a revised tariff sheet to bring the Company's requirements for installation of commercial underground services into conformity

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with changes made to PEF's Requirements for Electric Service and Meter Installations handbook.

We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

Decision Suspending Tariff

On April 4, 2008, PEF filed a petition for our approval of revisions to the installation of commercial and industrial underground services. Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the requesting utility a reason or written statement of good cause for doing so within 60 days. Upon review of PEF's petition, we find that more time is needed to further review the petition and gather all pertinent information in order to make an informed decision.

Therefore, we hereby suspend PEF's petition to modify tariff sheet No. 4.010 regarding underground commercial and industrial services. This will allow Commission staff sufficient time to review the petition and gather all pertinent information in order to present to us an informed recommendation on the tariff proposal.

This docket shall remain open pending our vote on the proposed tariff revision.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Progress Energy Florida, Inc.'s petition to modify tariff sheet No. 4.010 regarding underground commercial and industrial services is hereby suspended. It is further

ORDERED that this docket shall remain open pending our vote on the proposed tariff revision.

By ORDER of the Florida Public Service Commission this 4th day of June, 2008.



ANN COLE
Commission Clerk

(S E A L)

KY

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.