

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for
authorization, pursuant to Rule
25-6.015(1), F.A.C., to keep
records out of state, by Florida
Power Corporation.

DOCKET NO. 010357-EI
ORDER NO. PSC-01-1960-PAA-EI
ISSUED: October 1, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION
ORDER AUTHORIZING FLORIDA POWER CORPORATION TO KEEP RECORDS
OUTSIDE THE STATE OF FLORIDA

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

On March 23, 2001, pursuant to Rule 25-6.015(1), Florida
Administrative Code, Florida Power Corporation filed a request that
the Commission authorize it to maintain its records out-of-state.
The utility requests authorization to maintain various accounting
records at its parent company's headquarters, located in Raleigh,
North Carolina, rather than at its offices within the State of
Florida. The Commission has jurisdiction pursuant to Section
366.05(11), Florida Statutes. By this order, we authorize Florida

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Power Corporation's request to maintain various records out-of-state.

Rule 25-6.015(1), Florida Administrative Code, states:

All records that a utility is required to keep by reason of these or other rules prescribed by the Commission shall be kept at the office or offices of the utility within this state, unless otherwise authorized by the Commission.

In its filing, Florida Power Corporation stated that:

For reasons of necessity and cost-effectiveness, the recently completed acquisition of Florida Power by Progress Energy, Inc. will require certain records specified by the Commission's rules to be maintained in Raleigh, North Carolina, the parent company's headquarters.

Systems are currently in place within Progress Energy to ensure that records of the type subject to this request are and will be preserved in accordance with Title 18, Subchapter C, Part 125, Code of Federal Regulations, as required by Commission Rule 25-6.015(3), Florida Administrative Code.

Section 366.05(11), Florida Statutes, authorizes the Commission "[to] assess a utility for reasonable travel costs associated with reviewing the records of the utility and its affiliates when such records are kept out-of-state." Rule 25-6.015(2), Florida Administrative Code, defines reasonable travel expenses as "those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business." Rule 25-6.015(2)(a), Florida Administrative Code, states that "The utility shall remit reimbursement for out-of-state travel expenses within 30 days from the date the Commission mails the invoice." The utility's filing confirms the utility's awareness of the rule by stating that the utility acknowledges the requirements of Rule 25-6.015(2), Florida Administrative Code, with

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regard to reimbursing the Commission for travel expenses incurred for review of records maintained out-of-state, or to alternatively make those records available at a location within the State of Florida. For these reasons, we find that Florida Power Corporation's request to keep records out-of-state shall be granted.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by Florida Power Corporation to keep records out-of-state is granted. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 1st day of October, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

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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 that is available under Section 120.57, 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 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 22, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.