



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

02 DEC -4 PM 2:00  
RECEIVED-FPSC

DATE: December 4, 2002  
TO: Office of the General Counsel (Echternacht)  
FROM: Division of Economic Regulation (Slemkewicz, Wheeler) JS DPW DM  
RE: Docket No. 021135-EI, Request for Acknowledgment of Name Change From Florida Power Corporation to Florida Power Corporation d/b/a Progress Energy Florida, Inc. COMMISSION CLERK

On October 11, 2002, and November 7, 2002 (attached), Florida Power Corporation (FPC) submitted letters requesting that the Commission acknowledge a name change. Beginning in January 2003, FPC (Company Code EI801) will begin to operate its business under the assumed name of Progress Energy Florida, Inc. (PEFI). This is a request for acknowledgment, rather than approval, because the Commission does not have any regulatory authority over investor-owned electric utilities concerning the specific name of the utility. However, Rule 25-9.044, Florida Administrative Code, does require the utility to comply with certain requirements when a name is changed. These requirements include the adoption of the use of the existing rates, classification and regulations of the former company, and the filing of new tariffs under the new company name.

FPC contends that Rule 25-9.044, Florida Administrative Code, does not apply because the Company is only using Progress Energy Florida, Inc. as an assumed name. In other words, the name of the corporate entity will remain Florida Power Corporation. Whether or not FPC should be compelled to follow the rule is a legal question concerning whether there has been an actual name change as contemplated in the rule. Despite FPC's opinion that it does not fall under the rule, the Company does appear willing to comply with the rule if requested to do so. It is staff's opinion that FPC should be required to follow the requirements of Rule 25-9.044, Florida Administrative Code.

There is also the matter of what the exact form of the name should be for the Commission's own administrative purposes - Progress Energy Florida, Inc. or Florida Power Corporation d/b/a Progress Energy Florida, Inc. In order to avoid any confusion because both names will be in existence, it is staff's opinion that FPC d/b/a PEFI is the preferable identifying name. Attached is a copy of FPC's Application for Registration of Fictitious Name that was filed with the Secretary of State on September 30, 2002.

AUS  
CAF  
CMP  
COM  
CTR  
ECR  
GCL  
OPC  
MMS  
SEC  
OTH

Section 2.07(C)(2) of the Administrative Procedures Manual grants the Director of the Division of the Commission Clerk and Administrative Services, in coordination with the appropriate industry division and the Office of the General Counsel, authority to approve changes of names and corporate reorganizations of regulated utilities, where no change of ownership or control or transfer of assets is involved. Staff recommends that an administrative order be issued acknowledging the name change as **Florida Power Corporation d/b/a Progress Energy Florida, Inc.** In addition, FPC should be directed to comply with the provisions of Rule 25-9.044, Florida Administrative Code.

cc: Kay Flynn (CCA)  
Attachment

DOCUMENT NUMBER DATE

13235 DEC -4 02

FPSC-COMMISSION CLERK

**FILED**  
**Sep 30, 2002 8:00 am**  
**Secretary of State**

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

Note: Acknowledgment certificate will be sent to the address in Section 1 only.

Section 1

1. Progress Energy Florida, Inc.  
(Fictitious Name to be Registered) (See instructions if name includes "Co., Corp. or Inc.")

100 Central Avenue  
Mailing Address of Business

St. Petersburg Florida 33701  
City State Zip Code

3. Florida County of principal place of business:  
MULTIPLE  
(List addresses if more than one county)

4. FEI Number: N/A

002773920032  
-09/30/02-01005-002  
SECRET (01)  
This space for office use only

Section 2

A. Owner(s) of Fictitious Name if individual(s): (Use an attachment if necessary):

1. Last First MI Address City State Zip Code

2. Last First MI Address City State Zip Code

Note: \*\* Number below in B.-1. for registration from Secretary of State's website

B. Owner(s) of Fictitious Name if other than an individual: (Use attachment if necessary): and is the "document" number.

1. Florida Power Corporation  
Entity Name  
100 Central Avenue  
Address  
St. Petersburg Florida 33701  
City State Zip Code  
Florida Registration Number 142619 \*\*  
FEI Number: 59-0247270  
 Applied for  Not Applicable

2. Entity Name Address City State Zip Code Florida Registration Number FEI Number:  Applied for  Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate, in accordance with Section 895.26, F.S. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Shirley... 9/26/02  
Signature of Owner's Representative  
Phone Number: (727) 520-4994

Signature of Owner Date Phone Number:

**FOR CANCELLATION COMPLETE SECTION 4 ONLY;**  
**FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_  
\_\_\_\_\_ which was registered on \_\_\_\_\_ and was assigned  
registration number \_\_\_\_\_

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$50  Certified Copy — \$30  
**FILING FEE: \$40**

SECRET



**Florida Power**

A Progress Energy Company

**JAMES A. MCGEE**  
ASSOCIATE GENERAL COUNSEL

October 11, 2002

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Dear Ms. Bayó:

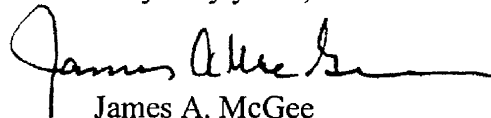
This letter is to advise the Commission for purposes of its records that beginning in January 2003, Florida Power Corporation will operate its business under the assumed name of Progress Energy or, for differentiation with its affiliate utility in the Carolinas, Progress Energy Florida. Both assumed names have been registered with the Florida Department of State, Division of Corporations.

In this regard, we have reviewed Commission Rule 25-9.044, Florida Administrative Code, concerning its notice requirements applicable to a "change of ownership or control of a utility which places the operation under a different or new utility, or when its name is changed". We have concluded that the highlighted language does not apply to the Company's use of an assumed name, since the name of the corporate entity will remain Florida Power Corporation.

Nonetheless, we want to respond affirmatively to any questions or concerns the Commission may have concerning the Company's new identity. If the Commission so desires, we would also be willing to provide a corporate assurance, consistent with the referenced rule and our clear intent in any event, that Florida Power Corporation, in operating under the name of Progress Energy or Progress Energy Florida, will continue to comply with and abide by its rates, classifications and regulations, as they currently exist or as revised from time to time by the Commission.

Please feel free to contact me or Paul Lewis in our Tallahassee office if the Commission or its staff should have any questions about this matter or desire to pursue our offer of assurance.

Very truly yours,



James A. McGee

JAM/scc

cc: Dr. Mary Andrews Bane  
Harold A. McLean, Esquire  
Mr. Paul Lewis, Jr.



**Florida Power**  
A Progress Energy Company

**ORIGINAL**

**JAMES A. MCGEE**  
ASSOCIATE GENERAL COUNSEL

November 7, 2002

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

021135-EZ

Re: Docket No. 020000-PU (Undocketed); Change of name.

Dear Ms. Bayó:

By my letter to you dated October 11, 2002, I advised that beginning in January 2003, Florida Power Corporation will operate its business under the assumed name of Progress Energy or Progress Energy Florida. I have since been informed that this information does not accurately reflect the assumed name as actually registered with the Florida Department of State, Division of Corporations. Accordingly, this is to advise that, effective January 2003, Florida Power Corporation will begin doing business as *Progress Energy Florida, Inc.*

Please feel free to contact me if you should have any questions regarding this matter. Thank you for your assistance.

Very truly yours,

James A. McGee

JAM/scc

cc: Dr. Mary Andrews Bane  
Harold A. McLean, Esquire  
Kathryn Echternaucht, Esquire

02 NOV 8 AM 9:19

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DOCUMENT NUMBER DATE

12273 NOV-02

FPSC-COMMISSION CLERK