

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of Florida Power Corporation's earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DOCKET NO. 000824-EI  
ORDER NO. PSC-03-0335-PCO-EI  
ISSUED: March 10, 2003

ORDER GRANTING THE OFFICE OF PUBLIC COUNSEL'S MOTION  
TO REQUIRE RESPONSES TO DISCOVERY IN FOURTEEN DAYS

On February 24, 2003, a Motion to Enforce Settlement Agreement was filed by the Office of Public Counsel (OPC), Florida Industrial Power Users Group, Florida Retail Federation, Buddy Hansen/Sugarmill Woods Civic Association, and Publix Super Markets, Inc.

On March 5, 2003, the OPC filed a Motion to Require Responses to Discovery in Fourteen Days (Motion). In its Motion, OPC states that its first set of interrogatories and second set of requests for production were served on Progress Energy of Florida, Inc. (Progress Energy) on March 5, 2003. These discovery requests consist of a single interrogatory and two production requests, all of which pertain solely to determining the proper amount of revenue that should be used to calculate the amount of refund Progress Energy must make to its customers from its 2002 revenues. OPC believes that the Commission may determine the amount to be refunded as soon as the April 1, 2003, Agenda Conference. OPC contends that the limited scope of the discovery, coupled with the timing of a possible decision by the Commission, warrant responses to the discovery within fourteen days. OPC notes in its Motion that Progress Energy does not object to responding within 14 days.

Having reviewed the Motion, it appears that OPC's request is reasonable, and it is therefore granted.

Based on the foregoing, it is

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that the Office of Public Counsel's Motion to Require Responses to Discovery in Fourteen Days is granted.

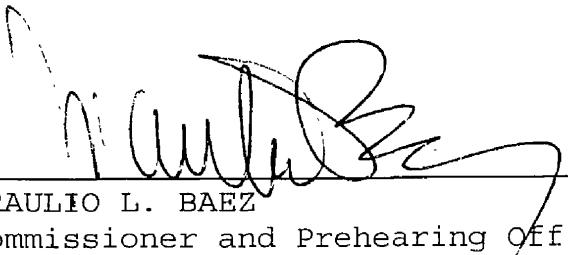
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By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 10th day of March, 2003.



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BRAULIO L. BAEZ  
Commissioner and Prehearing Officer

( S E A L )

JSB

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

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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.