

ORIGINAL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL



JACK SHREVE
PUBLIC COUNSEL

c/o The Florida Legislature
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850-488-9330

May 21, 2003

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED FPSC
03 MAY 21 PM 3:17
COMMISSION
CLERK

Re: Docket No. 000824-EI

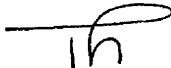
Dear Ms. Bayo:

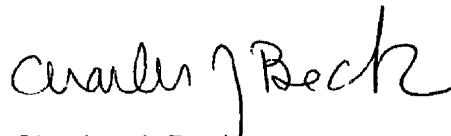
Enclosed for filing in the above-referenced docket are the original and 15 copies of the Motion to Require Responses to Discovery by May 30, 2003.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

RECEIVED & FILED


FPSC-BUREAU OF RECORDS


Charles J. Beck
Deputy Public Counsel

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- SEC 1 _____
- OTH _____

CJB:bsr
Enclosures

DOCUMENT NUMBER-DATE
04587 MAY 21 03
FPSC-COMMISSION CLERK

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 --)
2002 Revenue Sharing)

Docket No. 000824-EI

Filed May 21, 2003

MOTION TO REQUIRE RESPONSES TO DISCOVERY BY MAY 30, 2003

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, request the Prehearing Officer to require Progress Energy Florida ("Progress Energy") to respond to Citizens' second set of interrogatories and third set of requests for production of documents by no later than Friday, May 30, 2003, and in support thereof state the following:

1. Citizens served our second set of interrogatories and third set of requests for production of documents on Progress Energy today. The first set of interrogatories contains only a single interrogatory, and the third set of requests for production of documents contains only three requests. These discovery requests pertain to the stipulation and settlement reached in this docket on or about March 27, 2002.

2. Yesterday the Florida Public Service Commission stated that it would make a decision on our motion in limine and motion to strike at its regular agenda conference scheduled for June 30, 2003. A decision on our motion to enforce the

settlement agreement will follow at a special agenda conference scheduled for July 9, 2003.

3. Questions have arisen as a result of certain public records made available by the Commission last Friday, and the discovery requests served today address those questions. Responses to these discovery requests must be made by Friday, May 30, 2003, in order to enable parties to properly prepare for depositions of Progress Energy employees scheduled for June 4, 2003.

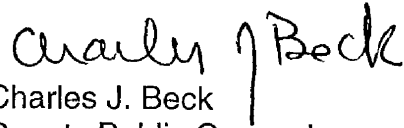
4. The limited scope of the discovery, coupled with timing of depositions and agenda conferences by the Commission, warrant responses to this discovery by Friday, May 30, 2003.

5. Progress Energy reserves its right to respond to this motion.

WHEREFORE, Citizens request the Prehearing Officer to order Progress Energy

to respond to Citizens' discovery requests by no later than Friday, May 30, 2003.

Respectfully submitted,



Charles J. Beck
Deputy Public Counsel
Fla. Bar No. 217281

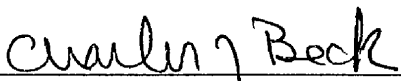
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(850) 488-9330

Attorney for Florida's Citizens

**CERTIFICATE OF SERVICE
DOCKET NO. 000824-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 21st day of May, 2003.


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