

ORIGINAL

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

Submitted for Filing:
June 13, 2003

COMMISSION
CLERK

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**PROGRESS ENERGY FLORIDA'S NOTICE OF WITHDRAWAL OF
AFFIDAVIT AND SUGGESTION OF MOOTNESS**

Progress Energy of Florida, Inc. ("PEF") hereby gives notice of its withdrawal of the Affidavit of Javier Portuondo in Support of Progress Energy's Opposition to OPC's Motion to Enforce Settlement Agreement previously filed in this proceeding on March 7, 2003. As the Prehearing Officer has recently confirmed, this docket has been administratively reopened. It is now clear, therefore, that the key facts necessary for consideration of the Motion to Enforce Settlement filed by the Office of Public Counsel, et al., and PEF's Opposition thereto are available to the Commission in the record of this docket. Accordingly, in an effort to narrow issues, PEF hereby withdraws the Affidavit it filed in support of its Opposition to OPC's Motion to Enforce Settlement Agreement.

By the same token, PEF suggests that withdrawal of the Affidavit moots OPC's pending Motion to Strike and substantially moots its pending Motion in Limine. With the withdrawal of the Affidavit, PEF will rely at the July 9, 2003 Special Agenda Conference upon the Settlement Agreement itself, the Commission's Order approving the Settlement Agreement, and matters of record before the Commission as of the time it entered its Order approving the Settlement Agreement.

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Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing has been furnished via Fax (as indicated by **) and U.S. Mail to the following this 13th day of June, 2003.

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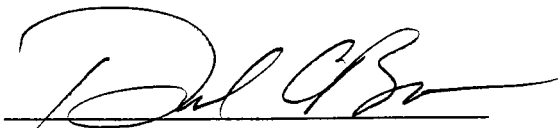
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