



JAMES A. MCGEE
ASSOCIATE GENERAL COUNSEL
PROGRESS ENERGY SERVICE COMPANY, LLC

March 1, 2004

HAND DELIVERY

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

Re: Docket No. 040133-EU

Dear Ms. Bayó:

Enclosed for filing in the subject docket on behalf of Progress Energy Florida, Inc., are an original and seven copies of its Agreed Upon Motion to Toll Time for Response to Petition.

Please acknowledge your receipt of the above filing on the enclosed copy of this letter and return to the undersigned. A 3½ inch diskette containing the above-referenced document in Adobe PDF format is also enclosed. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James A. McGee', written over a horizontal line.

James A. McGee

JAM/scc

Enclosures

cc: Brian P. Armstrong, Esquire

DOCUMENT NUMBER-DATF
03002 MAR-1 2004
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Withlacoochee River
Electric Cooperative, Inc., to modify a
Territorial Agreement with Progress
Energy Florida, Inc., or, in the
alternative, to resolve a territorial
dispute in Hernando County, Florida

Docket No. 040133-EU

Submitted for filing:
March 1, 2004

**AGREED UPON MOTION TO TOLL
TIME FOR RESPONSE TO PETITION**

Progress Energy Florida, Inc. (Progress Energy or the Company), files this agreed upon motion requesting the Florida Public Service Commission (the Commission), acting through its designated Prehearing Officer, to toll the time for filing Progress Energy's response to the petition of Withlacoochee River Electric Cooperative, Inc., (WREC) until seven days after either WREC or Progress Energy files a notice with the Commission terminating the tolling period. In support of its motion, Progress Energy states as follows.

1. WREC and Progress Energy, with encouragement from the developer of the property subject to WREC's petition, Majestic Oaks, have recently undertaken discussions to explore alternatives for reaching a mutually satisfactory and acceptable settlement of the issues pending before the Commission in this proceeding. An initial meeting between principals of each utility on February 25, 2004, produced constructive and promising discussions regarding the opportunity for such a settlement.

2. During this initial meeting, the principals of WREC and Progress Energy recognized that their settlement discussions would be aided by the cessation of adversarial pleadings currently scheduled in this proceeding until these discussions have been pursued further. The next such pleading is the response of Progress Energy to WREC's petition.¹

3. Based on this recognition, counsel for WREC and Progress Energy have agreed to an arrangement under which the time for filing Progress Energy's response would be tolled until seven days after either party files a notice with the Commission terminating the tolling period, which would be served on the other party by facsimile, electronic mail, or overnight delivery.

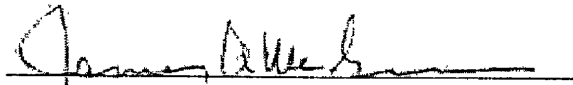
4. The parties believe that the tolling of time requested by this motion would facilitate their attempt to reach a mutually satisfactory settlement of this proceeding, and is therefore consistent with the Commission's long-standing policy of encouraging the settlement of disputed issues between parties to Commission proceedings.

5. Counsel for WREC has authorized the undersigned to represent that WREC supports and concurs with this motion and the tolling of time sought herein for the filing of Progress Energy's responsive pleading.

¹ Although Uniform Rule 28-106.203, F.A.C., does not specify a time period for filing responsive pleadings to a petition, absent the tolling of time requested by this motion, Progress Energy's intention would be to file a response to WREC's petition by March 3, 2004, or 20 days after filing of the petition, to ensure the timeliness of its filing.

WHEREFORE, Progress Energy respectfully requests that the Commission, acting through its designated Prehearing Officer, grant this agreed upon motion and toll the time for the filing of Progress Energy's response to WREC's petition as requested herein.

Respectfully submitted,

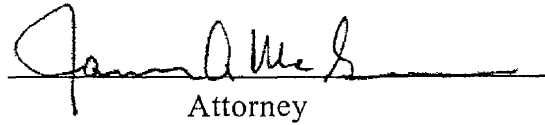


James A. McGee
Associate General Counsel
Progress Energy Service Company, LLC
Post Office Box 14042
St. Petersburg, Florida 33733-4042
Telephone: 727-820-5184
Facsimile: 727-820-5519
Email: james.mcgee@pgnmail.com

Attorney for
PROGRESS ENERGY FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has served on Brian P. Armstrong, Esquire, 1500 Mahan Drive, Suite 200, Tallahassee, Florida 32308, by U.S. Mail this 1st day of March, 2004.


Attorney