

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Review of Progress Energy Florida, Inc.'s benchmark for waterborne transportation transactions with Progress Fuels.

DOCKET NO. 031057-EI  
ORDER NO. PSC-04-0394-PCO-EI  
ISSUED: April 13, 2004

SECOND ORDER REVISING ORDER ESTABLISHING PROCEDURE AND GRANTING  
JOINT MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

By Order No. PSC-04-0067-PCO-EI, issued January 22, 2004, procedural guidelines and controlling dates were established to govern this docket. Certain controlling dates, specifically the due dates established for prefiled intervenor, staff, and rebuttal testimony, were revised by Order No. PSC-04-0375-PCO-EI, issued April 7, 2004, granting an unopposed joint motion by the Office of Public Counsel ("OPC") and the Florida Industrial Power Users Group ("FIPUG") for an extension of those filing dates.

On April 8, 2004, OPC, FIPUG, and Progress Energy Florida, Inc. ("Progress") (collectively, "movants") filed a second joint motion for extension of time to file testimony, seeking a two-week extension of the current testimony filing deadlines. The movants assert that they have been engaged in good faith settlement discussions in this docket. They note that staff's auditors recently released an audit report concerning Progress' waterborne transportation costs. The movants assert that this audit report bears directly on the issues in this proceeding and that the requested filing extension is necessary to allow sufficient time for review and analysis of the audit report (and Progress' pending response to the report) for purposes of continued settlement discussions and/or preparation of testimony. OPC and FIPUG state that they have no objection to moving the due dates for staff testimony and Progress' rebuttal testimony a comparable period of time.

Because the motion was filed jointly by all parties to this docket in the interest of promoting continued good faith settlement discussions, the joint motion is hereby granted. The following revised controlling dates shall govern this case:

Intervenor Testimony and Exhibits	April 28, 2004
Staff Testimony and Exhibits, if any	May 12, 2004
Rebuttal Testimony and Exhibits	May 26, 2004

Order No. PSC-04-0067-PCO-EI is reaffirmed in all other respects.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK


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Based on the foregoing, it is

ORDERED by Commissioner Charles M. Davidson, as Prehearing Officer, that the controlling dates for filing intervenor, staff, and rebuttal testimony in this proceeding, established in Order No. PSC-04-0067-PCO-EI and revised in Order No. PSC-04-0375-PCO-EI, are hereby revised as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-04-0067-PCO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Charles M. Davidson, as Prehearing Officer, this 13<sup>th</sup> day of April, 2004.



CHARLES M. DAVIDSON  
Commissioner and Prehearing Officer

(SEAL)

WCK

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.

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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 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.