

Matilda Sanders

ORIGINAL

From: Vicki Gordon Kaufman
Sent: Wednesday, April 28, 2004 11:38 AM
To: Filings@psc.state.fl.us
Cc: John W. McWhirter; Katrina Tew; Cochran Keating; James A McGee; Rob Vandiver
Subject: Docket No. 031057-EI, Joint Notice of Settlement & Motion to Abate Proceeding

Submitted for electronic filing is **Joint Notice of Settlement and Motion to Abate Proceeding in Docket No. 031057-EI**. This pleading is filed on behalf of the Office of Public Counsel, Florida Industrial Power Users Group and Progress Energy Florida. The document has 2 pages.

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 FPSC-COMMISSION OFFICE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No.: 031057-EI
Filed: April 28, 2004

**JOINT NOTICE OF SETTLEMENT AND MOTION TO
ABATE PROCEEDING**

The Citizens of the State of Florida (OPC), the Florida Industrial Power Users Group (FIPUG), and Progress Energy Florida (Progress Energy) (jointly, Movants), file this Joint Notice of Settlement and Motion to Abate the Proceeding. In support thereof, Movants state:

1. Movants have come to an agreement in principle to settle all issues in this docket. The settlement obviates the need for the filing of Intervenor testimony today and further eliminates the need for a hearing in this matter, contingent upon the Commission's approval of the settlement.

2. The settlement agreement was reached yesterday afternoon. Movants immediately began discussion and drafting of the settlement document. Such drafting is currently in progress and Movants anticipate filing the written settlement agreement and motion for approval with the Commission shortly.

3. It would be inefficient for the parties or Staff to expend further resources in preparation for the hearing in this matter.

WHEREFORE, Movants request the Prehearing Officer to enter an order abating all procedural dates in this matter, including the filing of Intervenor testimony, pending the Commission's consideration of the Movants' settlement agreement.

S/ Vicki Gordon Kaufman

John W. McWhirter
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Attorney for Progress Energy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Notice of Settlement and Motion to Abate the Proceeding has been furnished by (**) email this 28th day of April 2004, to the following:

(**)Wm. Cochran Keating IV
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Vicki Gordon Kaufman