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#### Section 1 - Bureau of Records Completes

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Docket No. 040472-EI Date Docketed: 05/18/2004 Title: Petition for approval of cost recovery for new environmental program necessitated by U.S. Environmental Protection Agency's adoption of rules establishing new requirements for cooling water intake structures at existing electric power generating facilities under Section 316(b) of Clean Water Act, by Progress Energy Florida, Inc.

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Commissioners: Braulio L. Baez, Chairman J. Terry Deason Lila A. Jaber Rudolph "Rudy" Bradley Charles M. Davidson

## STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES BLANCA S. BAYÓ DIRECTOR (850) 413-6770 (CLERK) (850) 413-6330 (ADMIN)

Hublic Service Commission

May 19, 2004

Gary V. Perko, Esquire Hopping Green & Sams Post Office Box 6526 Tallahassee, Florida 32314

#### Re: Docket No. 040472-EI

Dear Mr. Perko:

This will acknowledge receipt of a petition for approval of cost recovery for new environmental program necessitated by U.S. Environmental Protection Agency's adoption of rules establishing new requirements for cooling water intake structures at existing electric power generating facilities under Section 316(b) of Clean Water Act, by Progress Energy Florida, Inc., which was filed in this office on May 18, 2004, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

14671-04

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PSC Website: http://www.floridapsc.com

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Internet E-mail: contact@psc.state.fl.us

## **Marguerite Lockard**

# PSC-04-0707 - PCO-EI

From: Sent: To: Subject: Mary Diskerud Monday, July 19, 2004 3:16 PM CCA - Orders / Notices Order / Notice Submitted

Date and Time: Docket Number: Filename / Path: 7/19/2004 3:16:00 PM 040472-EI 040472OPC.mks.doc



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#### BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of cost recovery for new environmental program necessitated by U.S. Environmental Protection Agency's adoption of rules establishing new requirements for cooling water intake structures at existing electric power generating facilities under Section 316(b) of Clean Water Act, by Progress Energy Florida, Inc.

DOCKET NO. 040472-EI ORDER NO. PSC-04-0707-PCO-EI ISSUED: July 20, 2004

#### ORDER ACKNOWLEDGING INTERVENTION

BY THE COMMISSION:

On June 25, 2004, the Office of Public Counsel filed its Notice of Intervention in this proceeding, pursuant to Section 350.0611, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Intervention of the Citizens of the State of Florida, by and through the Public Counsel, is hereby acknowledged. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this docket, to Harold A. McLean, Public Counsel, by and through Robert Vandiver, Associate Public Counsel, Office of the Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400.

DOCUMENT NUMBER-DATE 07863 JUL 20 3 FPSC-COMMISSION CLERK ORDER NO. PSC-04-0707-PCO-EI DOCKET NO. 040472-EI PAGE 2

By ORDER of the Florida Public Service Commission this <u>20th</u> day of July, <u>2004</u>.

A S. BAYO, Director

Division of the Commission Clerk and Administrative Services

(SEAL)

MKS

#### 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.

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.

040472-EI

Commissioners: Braulio L. Baez, Chairman J. Terry Deason Lila A. Jaber Rudolph "Rudy" Bradley Charles M. Davidson

#### STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK & Administrative Services Blanca S. Bayó Director (850) 413-6770 (Clerk) (850) 413-6330 (Admin)

## Hublic Service Commission

July 21, 2004

Parties of Record in Dockets 040007-EI, 040086-EI, 040472-EI, and 040582-EI

## Re: Reporting Requirement for Employees Exercising Regulatory Responsibility

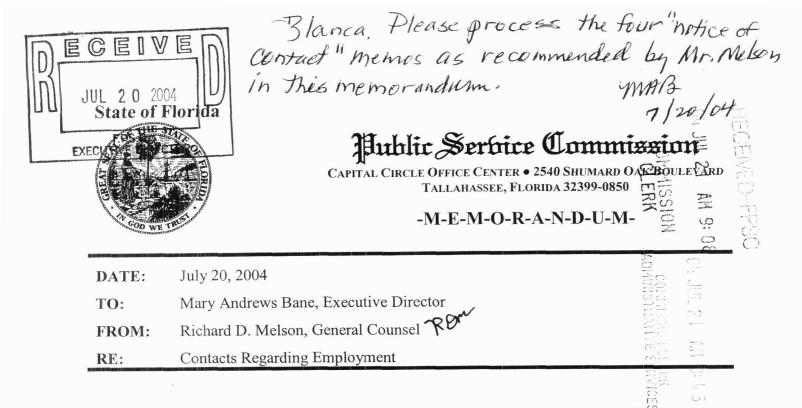
Dear Sir or Madam:

Pursuant to Section 5.02 C.1.b. of the Commission's Administrative Procedures Manual, you are hereby notified that Marlene Stern, Senior Attorney in the Office of General Counsel, has advised the Commission that she was contacted by the Office of Public Counsel regarding her interest in being considered for employment to fill a vacancy in that office.

Sincerely, Anin 5. Barjú Blanca S. Bayó

BSB:kf

cc: Mary A. Bane, Executive Director Richard Melson, General Counsel David Smith, Attorney Supervisor Marlene Stern, Senior Attorney



Four attorneys in my office have recently received contacts from the Office of Public Counsel regarding potential employment by that agency. This is my recommendation under Section 5.02(C)(1)(b) regarding changes in work assignments and/or notification to parties in dockets involving OPC to which these lawyers are assigned.

1. Jennifer Brubaker declined to pursue the opportunity with OPC. I therefore recommend no change in work assignments and no notice to parties in any of the dockets to which she is assigned.

2. Felicia Banks is assigned to only one docket to which OPC is a party (Docket No. 030869-TL). That case is now on appeal and Ms. Banks does not have any responsibility for the appeal. I therefore recommend no change in work assignments and no notice to parties to that docket.

3. Marlene Stern is assigned to the four dockets to which OPC is a party. I recommend no change in work assignments, but do recommend that notice of the contact be given to the parties to those four dockets:

OFFICIAL FILE COPY	Docket No. 040007-EI	Environmental Cost Recovery Clause
AA ASSIST. DIR FIS	Docket No. 040086-EI	Petition by Allied Universal to Vacate Order Approving Settlement Agreement with Tampa Electric Company
ADM HR GS ITS	Docket No. 040472-EI	Petition by Progress Energy Florida for Approval of Recovery Through the ECRC of Costs Associated with Section 316(b) of the Clean Water Act
RCH <u>Kar</u> REP <u> </u>		
DATE 7/21/04 FROM BSB/cp		1
Please han	dle.	

Docket No. 040582-EI

Petition by Florida Power & Light for Approval of Recovery Through the ECRC of Costs Associated with Section 316(b) of the Clean Water Act

I further recommend that the notice simply state that Ms. Stern "has advised the Commission that she was contacted by the Office of Public Counsel regarding her interest in being considered for employment to fill a vacancy in that office."

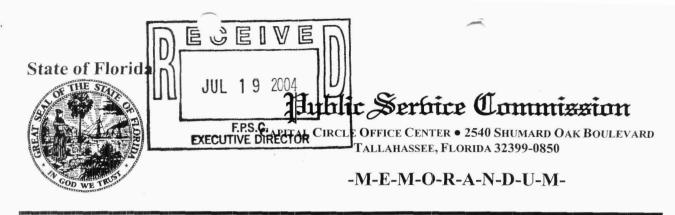
4. Addrivence Vining is assigned to three dockets to which OPC is a party. I recommend no change in work assignments, but do recommend that notice of the contact be given to the parties to those three dockets:

Docket No. 000694-WS	Petition by Water Management Services, Inc. for limited proceeding to increase water rates in Franklin County
Docket No. 040001-EI	Fuel and purchased power cost recovery clause with generating performance incentive factor
Docket No. 040007-EI	Environmental Cost Recovery Clause

I further recommend that the notice simply state that Ms. Vining "has advised the Commission that she was contacted by the Office of Public Counsel regarding her interest in being considered for employment to fill a vacancy in that office."

Please let me know if you would like to discuss these recommendations.

RDM:mee



DATE:	July 19, 2004
TO:	Dr. Mary Bane, Executive Director Richard D. Melson, General Counsel David E. Smith, Attorney Supervisor, General Counsel
FROM:	Marlene K. Stern, Senior Attorney, General Counsel MKS
RE:	Contact with the Office of Public Counsel

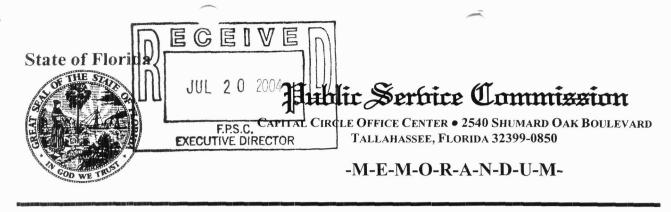
Section 5.02.C of the Administrative Procedures Manual requires that an employee, who exercises regulatory responsibility, report any contact with a party to a proceeding, when that contact is related to employment by the party. Harold McLean, the Public Counsel, recently contacted me about employment in the Office of Public Counsel. The Office of Public Counsel is a party to the following open dockets to which I am assigned:

- 1. Docket No. 040007-EI Environmental Cost Recovery Clause (ECRC);
- Docket No. 040582-EI Petition by Florida Power & Light for Approval of Recovery Through the ECRC of Costs Associate With Section 316(b) of the Clean Water Act; and,
- 3. Docket No. 040472 Petition by Progress Energy Florida for Approval of Recovery Through the ECRC of Costs Associate With Section 316(b) of the Clean Water Act.

Docket No. 040007-EI is the docket for the annual hearing in the Environmental Cost Recovery Clause. The other two dockets are PAA dockets pertaining to the ECRC.

If you need additional information on this contact with the Public Counsel, or the dockets listed above, please let me know.

Blanca: Please notify parties to any dockets on which Ms. Steph is assigned. Mary A. Bane, Executive Director hote meno bion Melson



DATE:	July 20, 2004
TO:	Mary Andrews Bane, Executive Director Richard D. Melson, General Counsel
FROM:	Adrienne E. Vining, Senior Attorney, General Counsel AEV
RE:	Report of Receipt of Contact Regarding Employment as Outlined in APM Sections 5.02(C)(1)(a) and (b)

Pursuant to Sections 5.02(C)(1)(a) and (b) of the Administrative Procedures Manual, I am reporting that I was contacted by Harold McLean regarding an attorney position with the Office of Public Counsel. I have not declined to be considered for the position.



Hublic Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

#### -M-E-M-O-R-A-N-D-U-M-

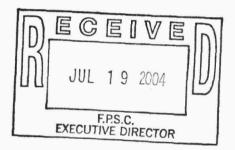
DATE:	July 19, 2004
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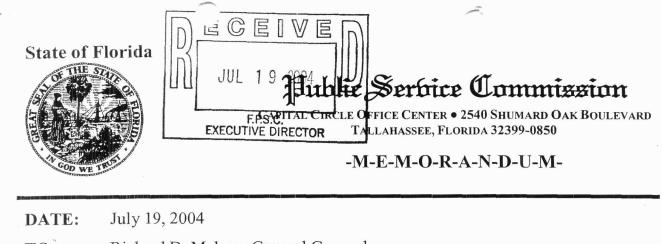
TO: Mary Andrews Bane, Executive Director Richard D. Melson, General Counsel

FROM: Jennifer S. Brubaker, Senior Attorney, General Counsel

**RE:** Notification pursuant to APM 5.02-8(1)(a)

In compliance with the requirements of APM 5.02-8(1)(a), this serves to notify you that I was informed by Harold McLean, Public Counsel for the State of Florida, of an employment opportunity that would soon be available in the Office of the Public Counsel. I have declined to pursue the opportunity.





ТО:	Richard D. Melson, General Counsel Mary Andrews Bane, Executive Director 🗸
FROM:	Felicia R. Banks, Senior Attorney, General Counsel FPB
RE:	Contacts Regarding Possible Employment

This notice is being provided pursuant to Section 5.02C of the Commission's Administrative Procedures Manual.

On Tuesday, July 13, 2004, Harold McLean contacted me by phone regarding possible employment opportunities with the Office of Public Counsel (OPC). Discussions regarding employment with OPC are ongoing.

Cc: Beth Keating, Attorney Supervisor, General Counsel

## CCA Official Filing 10/11/2004 9:49 AM\*\*\*\*\*\*\*

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PAA

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#### **Matilda Sanders**

From: Sent: To: Subject: Andrea Cowart Monday, October 11, 2004 9:49 AM CCA - Orders / Notices; Marlene Stern Order / Notice Submitted

Date and Time: Docket Number: Filename / Path: 10/11/2004 9:48:00 AM 040472-El 040472or.mks.doc

Order Granting Cost Recovery Through the Environmental Cost Recovery Clause

RECEIVED-FPSC

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## CCA Official Filing 11/4/2004 10:10 AM\*\*\*\*\*\*\*

\*\*\*\*\*\*\*

\*\*Matilda Sanders\*\*\*1

1081-Co

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#### **Matilda Sanders**

From: Sent: To: Subject: Mary Diskerud Thursday, November 04, 2004 9:54 AM CCA - Orders / Notices Order / Notice Submitted

Date and Time: Docket Number: Filename / Path: 11/4/2004 9:53:00 AM 040472-EI 040472co.mks.doc

Copied to gcorders

