

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for issuance of storm recovery financing order pursuant to Section 366.8260, F.S. (2005), by Gulf Power Company. DOCKET NO. 060154-EI
ORDER NO. PSC-06-0404-PCO-EI
ISSUED: May 12, 2006

ORDER GRANTING MOTION TO TOLL PROCEEDINGS

On February 22, 2006, Gulf Power Company (Gulf) filed a Petition for Issuance of a Storm Recovery Financing Order. As noted in Order No. PSC-06-0152-PCO-EI (Order Establishing Procedure), issued February 28, 2006, a formal evidentiary hearing on Gulf's petition has been scheduled for May 31 – June 2, 2006.

On May 11, 2006, Gulf, the Office of Public Counsel, the Florida Industrial Power Users Group, the Florida Retail Federation, and the AARP (the parties), jointly petitioned the Commission for approval of a proposed Stipulation and Settlement Agreement (Joint Motion). The Stipulation and Settlement provides for the full and complete resolution of any and all outstanding matters raised in this proceeding relating to Gulf's requested recovery of costs for storm recovery activities associated with the 2005 hurricanes, and for replenishment of Gulf's storm reserve.

In addition, the Joint Motion requests that the remaining requirements of Order No. PSC-06-0152-PCO-EI be tolled:

pending the Commission's consideration of this joint petition and the associated Stipulation and Settlement Agreement, the Parties hereby move that the Prehearing Officer immediately toll the remaining 11 days of discovery period established pursuant to said order and further suspend the obligations of any of the Parties to file and/or serve any further responses to pending discovery requests, prehearing statements, and any rebuttal testimony/exhibits. In the event the Commission has not approved the Stipulation and Settlement Agreement attached hereto within the timeframe set forth in paragraph 9 of the Stipulation and Settlement Agreement, the Parties request that the Prehearing Officer enter an order establishing a new date for filing prehearing statements and rebuttal testimony/exhibits, authorizing the recommencement of the remaining 11 days of the discovery period and establishing new dates for the prehearing conference and technical hearing. After the remaining 11 days of the discovery period is recommenced, the Parties will respond to any and all outstanding discovery requests within the time frame remaining for such response at the time that the discovery period was suspended.

Based on the foregoing, the parties' request is reasonable and is hereby granted. The schedule for the remaining discovery period, prehearing statements, rebuttal testimony and exhibits, Prehearing Conference, and Hearing, is hereby abated and tolled pending resolution of

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the parties' request for approval of the proposed Settlement. In the event the Commission does not approve the Settlement, a separate order establishing new dates for the aforementioned activities will be issued.

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. Tew, as Prehearing Officer, that the parties' Motion to Toll Proceedings is granted as set forth herein. It is further

ORDERED that in the event the Commission does not approve the Settlement, a separate order will be issued to establish new dates for the remaining discovery period, prehearing statements, prefiled rebuttal testimony and any exhibits, the Prehearing Conference, and Hearing.

By ORDER of Commissioner Katrina J. Tew, as Prehearing Officer, this 12th day of May, 2006.



KATRINA J. TEW
Commissioner and Prehearing Officer

(S E A L)

JSB

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.