

ORIGINAL**Matilda Sanders**

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Subject: FIPUG preliminary list of issues Dkt 060658
Attachments: 07223 FIPUG preliminary list of issues.doc

1. John W. McWhirter, Jr., McWhirter Reeves & Davidson, P.A., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 060658-EI, In re: Coal Price refund
3. The filing is made on behalf of the Florida Industrial Power Users Group;
4. The total number of pages is 3; and
5. The attached document is The Florida Industrial Power User Group's Preliminary List of Issues

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens)	
of the State of Florida to require)	DOCKET NO. 060658-EI
Progress Energy Florida, Inc.)	
to refund customers \$143 million.)	Submitted for filing February 26, 2007
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**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PRELIMINARY LIST OF ISSUES**

Florida Industrial Power User's Group through its undersigned attorney files this preliminary list of Issues.

ISSUE 1: During the period of 1996 through 2005, were there available to PEF sources of sub bituminous coal from the Powder River Basin suitable for use at Crystal River Unit 4 (CR4) and Crystal River Unit 5 (CR5) that were more economical than that purchased for CR4 and CR5 and that PEF knew or should have known about?

ISSUE 2: During the period of 1996 through 2005, were there available to PEF other sources of bituminous coal that were more economical than that purchased for CR4 and CR5 and that PEF knew or should have known about?

ISSUE 3: Did PEF act prudently in purchasing coal for CR4 and CR5 beginning in 1996 and continuing through 2005?

ISSUE 4: Is PEF authorized and are the coal handling and other operating facilities at CR 4 and CR5 designed to handle and burn 50/50 PRB bituminous "design bases" coal with out substantially derating the plants' generating capacity?

ISSUE 5: If the Commission determines that PEF acted imprudently in its CR4 and CR5 coal purchases during the time period of 1996 through 2005, should PEF be required to refund customers for any related excess costs, including coal costs and excess SO2 allowance costs?

ISSUE 6: If the Commission determines that PEF should be required to refund customers for excess coal costs and/or excess SO2 costs incurred to operate CR4 and CR5 from 1996 to 2005, what amounts should be refunded?

ISSUE 7: What is the appropriate methodology for calculating the interest, if any, associated with any refund required in this docket?

ISSUE 8: What amount of interest associated with excess coal costs and excess SO2 costs, if any should be refunded to customers?

ISSUE 9: If the Commission determines that PEF should be required to refund customers for coal purchased to run CR4 and CR5, how and when should such refund be accomplished?

ISSUE 10: If the Commission determines that PEF acted imprudently, should the Commission impose a penalty on PEF?

ISSUE 11: If the Commission determines to impose a penalty on PEF, what should be the amount of the penalty and how should it be imposed?

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing The Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail and U.S. Mail the 26th day of February, 2007 to the following:

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