

Ruth Nettles

From: KIRBY.KIMBERLY [KIRBY.KIMBERLY@leg.state.fl.us]
Sent: Monday, February 23, 2009 3:57 PM
To: Filings@psc.state.fl.us
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Subject: E-Filing (Docket No. 090079-EI)
Attachments: OPC and the AG Notice of Withdrawal of their Response to PEFs Petition for Emergency Waiver 2-23-09.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Charles J. Rehwinkel, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
rehwinkel.charles@leg.state.fl.us

b. Docket No. 090079-EI

In re: Petition for Rate Increase by Progress Energy Florida, Inc.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 3 pages.

e. The document attached for electronic filing is **The Office of the Public Counsel and the Attorney General's Notice of Withdrawal of Their Response to Progress Energy's Petition for Emergency Waiver.**

Thank you for your attention and cooperation to this request.

Kimberly D. Kirby
Assistant to Charles J. Rehwinkel
Associate Public Counsel
Office of Public Counsel
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DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase by)
Progress Energy Florida)
_____)

Docket No. 090079-EI

Filed: February 23, 2009


**THE OFFICE OF THE PUBLIC COUNSEL AND THE ATTORNEY GENERAL'S
NOTICE OF WITHDRAWAL OF THEIR RESPONSE TO PROGRESS ENERGY'S
PETITION FOR EMERGENCY WAIVER**

The Office of the Public Counsel and the Attorney General jointly file this withdrawal of their Response to *Progress Energy Florida's Petition for Emergency Waiver of the 60-Day Notice Requirement in Rule 25-6.140, (F.A.C.)* as a consequence of their participation in, and filing of, the concurrently filed Agreed Motion on Procedure. This withdrawal is also contingent upon the withdrawal of the Petition.

Dated this 23rd day of February, 2009,


Respectfully submitted,

BILL McCOLLUM
Attorney General


CECILIA BRADLEY
Senior Assistant Attorney General
Florida Bar No. 0363790

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Attorneys for the Citizens
of the State of Florida

DOCUMENT NUMBER: 01482
DATE: FEB 23 09
FPSC-COMMISSION CLERK

DOCKET NO. 090079-EI
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF WITHDRAWAL OF RESPONSE TO PROGRESS ENERGY'S PETITION FOR EMERGENCY WAIVER** has been furnished by U.S. Mail and electronic mail to the following parties on this 23rd day of February, 2009.

Jean Hartman
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Tallahassee, Florida 32399-0850

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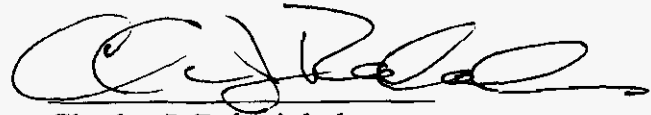
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A handwritten signature in black ink, appearing to read 'C. J. Rehwinkel', with a long horizontal line extending to the right from the end of the signature.

Charles J. Rehwinkel
Associate Public Counsel