

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,

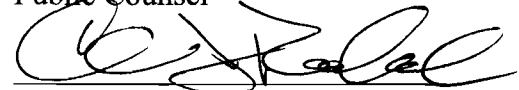
Respectfully submitted,

BILL McCOLLUM
Attorney General


CECILIA BRADLEY
Senior Assistant Attorney General
Florida Bar No. 0363790

Office of the Attorney General
The Capitol-PL-01
Tallahassee, FL 32399-1050
Telephone (850) 414-3300
Facsimile (850) 488-4872

J.R. KELLY
Public Counsel


CHARLES J. REHWINKEL
Associate Public Counsel
Florida Bar No. 0527599

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
rehwinkel.charles@leg.state.fl.us

Attorneys for the Citizens
of the State of Florida

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
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Paul Lewis
Progress Energy Service Company, LLC
106 E. College Ave., Ste. 800
Tallahassee, FL 32301

James Michael Walls
Dianne M. Triplett
Carlton Fields
Corporate Center Three at International Plaza
4221 West Boy Scout Boulevard
P.O. Box 3239
Tampa, Florida 33607-5736

James W. Brew/Alvin Taylor
c/o Brickfield Law Firm
1025 Thomas Jefferson St., N.W., 8th Floor
Washington, Dc 20007

Paula K. Brown
Tampa Electric Company
Administrator, Regulatory Coordination
P.O. Box 111
Tampa, FL 33601-0111

Lisa Bennett
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

R. Alexander Glenn
John T. Burnett
Progress Energy Service Company, LLC
299 1st Avenue North
St. Petersburg, Florida 33701

Richard D. Melson
705 Piedmont Dr.
Tallahassee, FL 32312

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050

Schef Wright
Young Law Firm
225 S. Adams Street, Suite 200
Tallahassee, Florida 32308

John W. McWhirter, Jr.
Florida Industrial Gas Users
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33061-3350

Erik Saylor
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Jennifer Brubaker
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Martha Brown
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

A handwritten signature in black ink, appearing to read 'C. J. Rehwinkel', written over a horizontal line.

Charles J. Rehwinkel
Associate Public Counsel