

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 090079-EI

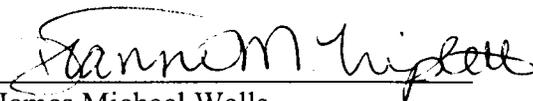
Filed: February 23, 2009

**PROGRESS ENERGY FLORIDA, INC.'S NOTICE OF VOLUNTARILY  
WITHDRAWAL OF ITS PETITION FOR EMERGENCY VARIANCE OR WAIVER OF  
THE 60-DAY NOTICE REQUIREMENT IN RULE 25-6.140, F.S.C.**

Progress Energy Florida, Inc. ("PEF" or the "Company"), submits its Notice of Voluntarily Withdrawal without prejudice of its Petition for Emergency Variance of the 60-day Notice Recruitment in Rule 25-6.140, F.A.C. ("Petition"), pursuant to the Agreed Motion on Procedure, filed on this day. PEF respectfully requests that its Petition be withdrawn without prejudice.

Respectfully submitted this 23<sup>rd</sup> day of February, 2009.

R. Alexander Glenn  
Deputy General Counsel  
John T. Burnett  
Associate General Counsel  
PROGRESS ENERGY SERVICE  
COMPANY, LLC  
Post Office Box 14042  
St. Petersburg, FL 33733-4042  
Telephone: (727) 820-5587  
Facsimile: (727) 820-5519

  
James Michael Walls  
Florida Bar No. 0706242  
Dianne M. Triplett  
Florida Bar No. 0872431  
CARLTON FIELDS, P.A.  
Post Office Box 3239  
Tampa, FL 33601-3239  
Telephone: (813) 223-7000  
Facsimile: (813) 229-4133

**DOCKET NO. 090079-EI**  
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail and electronic mail to the following parties on this 23th day of February, 2009.

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

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

Robert Scheffel Wright  
John T. LaVia  
Young Law Firm  
225 South Adams Street, Ste. 200  
Tallahassee, FL 32301

Charles J. Rehwinkel  
Associate Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

James W. Brew  
F. Alvin Taylor  
Brickfield Law Firm  
1025 Thomas Jefferson St., N.W., 8<sup>th</sup> FL  
Washington, DC 20007

  
Attorney