

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090079-EI

Filed: February 23, 2009

AGREED MOTION ON PROCEDURE

The Office of the Public Counsel ("OPC"), Attorney General, The Florida Retail Federation, PCS Phosphate and Progress Energy Florida ("PEF") (together, "Joint Movants" or "Movants") jointly file this Agreed Motion on Procedure, stating their agreement as follows herein and requesting as follows:

On February 12, 2009 PEF filed its Test Year Notification letter indicating its intent to initiate a rate case. The other Joint Movants have filed pleadings establishing or seeking Intervenor status.

On February 12, 2009, PEF also filed a Petition for Emergency Variance or Waiver Of The 60-Day Notice Requirement in Rule 25-6.140, F.A.C. ("Petition"). The Public Counsel, Attorney General and the Florida Retail Federation filed responses to the Petition.

Subsequently, the Joint Movants have had discussions regarding the Petition and Responses and have agreed that the respective positions contained therein can be efficiently resolved by agreement to do and/or seek the following actions -- all of which are mutually dependent upon the execution of each action by each Movant and the acceptance and approval by the Commission of the requested actions:

1. PEF agrees to withdraw its Petition and has concurrently filed notice of such;

2. The Public Counsel and the Attorney General agree to withdraw their Response and have concurrently filed notice of such;

3. The Florida Retail Federation agrees to withdraw its Response and has concurrently filed notice of such;
4. The Movants agree that any waiver of Rule 25.6-140, F.A.C., that might be required to accommodate the schedule set forth below shall, subject to approval by the Commission, be deemed granted by the issuance of an order approving this motion;
5. PEF will file its Minimum Filing Requirements ("MFRs") on or before March 20, 2009;
6. The Joint Movants agree to the appropriateness of the dates of September 14, 16-18, and 21-25, 2009 for the evidentiary hearings in this Docket. The Movants recognize that the scheduling of the hearing dates is generally a matter within the purview of the Prehearing Officer and the Commission Chairman as those responsibilities are allocated by the Commission's internal procedures. In this vein, the Movants urge that these dates be adopted in the Order Establishing Procedure (OEP);
7. The Movants further agree among themselves to seek informal meeting(s) with Staff to explore opportunities for each to provide input on the scheduling of other intermediate hearing dates, filing dates, and other procedural dates to be recommended for inclusion in the OEP; and
8. Additionally, the Movants acknowledge that the Office of the Public Counsel has indicated a desire to review and provide input to the number and location of customer hearings to be held in this docket. The Movants support the Public Counsel's request to provide such input.

As a result of this agreed upon Motion, the Movants agree that all matters raised in the Petition and Responses are resolved satisfactorily upon the completion of items 1-6, above. Furthermore the Movants assert that favorable consideration by the Commission on items 7 & 8 are integral to the agreement contained in this Joint Motion. As such, the Joint Movants urge that the Commission act to facilitate each agreed upon action as appropriate.

This Agreement may be executed in counterparts each of which shall be deemed an original, and

all of which together shall constitute one and the same instrument.

Respectfully submitted and dated this 23rd day of February, 2009,

Respectfully submitted,

/s/ Charles Rehwinkel

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