

Ruth Nettles

From: Costello, Jeanne [jcostello@carltonfields.com]
Sent: Friday, February 27, 2009 9:59 AM
To: Filings@psc.state.fl.us
Cc: Lisa Bennett; Charles Rehwinkel; cecilia.bradley@myfloridalegal.com; Schef Wright; jbrew@bbrslaw.com; alex.glenn@pgnmail.com; john.burnett@pgnmail.com; rick@rmelsonlaw.com; paul.lewisjr@pgnmail.com; Walls, J. Michael; Triplett, Dianne; Tibbetts, Arlene; Stright, Lisa
Subject: Docket No. 090079
Attachments: Revised Agreed Motion on Procedure.pdf; Revised Agreed Motion on Procedure as Filed.DOC

This filing and e-service is made on behalf of Progress Energy Florida, Inc. of the Revised Agreed Motion on Procedure (3 pages). Both word and pdf formats are provided for the convenience of the clerk.

Jeanne Costello on behalf of Dianne M. Triplett

Carlton Fields, P.A.
4221 W. Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607-5780
direct 813.229.4917
fax 813.229.4133
jcostello@carltonfields.com
www.carltonfields.com

DOCUMENT NUMBER-DATE

01580 FEB 27 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090079-EI

Filed: February 27, 2009

REVISED 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 Revised 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.

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 1-5, above.

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 27th day of February, 2009,

Respectfully submitted,

/s/ Charles Rehwinkel

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

/s/ Cecilia Bradley

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

/s/ Dianne M. Triplett

James Michael Walls
Dianne M. Triplett
Carlton Fields, P.A.
4221 W. Boy Scout Blvd., Ste. 1000
Tampa, FL 33607

-and-

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

-and-

Paul Lewis, Jr.
Progress Energy Service Company, LLC
106 E. College Avenue, Ste. 800

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

/s/ James W. Brew
James W. Brew
F. Alvin Taylor
Brickfield Law Firm
1025 Thomas Jefferson St., N.W., 8th FL
Washington, D.C. 20007

Tallahassee, FL 32301
-and-
Richard D. Melson
705 Piedmont Drive
Tallahassee, FL 32312