

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,

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