

Ruth Nettles

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Sent: Wednesday, March 04, 2009 11:52 AM
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Subject: Docket 090009
Attachments: PEF Response to Saporito Energy Consultant's Notice of Intent to Retain Interested Party Status .pdf

Attached for filing and e-service on behalf of Progress Energy Florida, Inc. is Progress Energy Florida, Inc.'s Response to Saporito Energy Consultant's Notice of Intent to Retain Interested Party Status and Petition to Obtain Party Status [4 pages].

Jeanne Costello on behalf of Dianne M. Triplett

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 090009

Submitted for Filing: March 4, 2009

**PROGRESS ENERGY FLORIDA, INC.'S RESPONSE
TO SAPORITO ENERGY CONSULTANT'S
NOTICE OF INTENT TO RETAIN INTERESTED PARTY STATUS
AND PETITION TO OBTAIN PARTY STATUS**

Progress Energy Florida, Inc. ("PEF") responds to the Notice of Intent to Retain Interested Party Status and Petition to Obtain Party Status ("Notice of Intent and Petition") filed by Thomas Saporito as an individual, and representing Saporito Energy Consultants ("SEC"), as follows.

On February 24, 2009, Mr. Saporito filed the Notice of Intent and Petition as an individual and as a representative of SEC in this docket. Although PEF and the law firm of Carlton Fields, attorneys for PEF, appear on the Certificate of Service, PEF did not receive the filing from Mr. Saporito and was not aware of the filing until it received the response filed by Florida Power & Light ("FPL") yesterday. PEF therefore files this response to the Notice of Intent and Petition. PEF has no objection to the participation of Mr. Saporito or Saporito Energy Consultants as an "interested party." However, to the extent the Notice of Intent and Petition is intended to "obtain party status" by avoiding the rules of intervention, PEF does object.

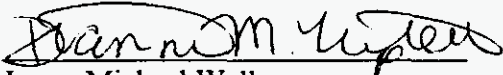
To the extent the "request to obtain party status" is construed as a petition to intervene, such intervention should be denied. The request as filed does not comply with the requirements

for intervention set forth in Section 120.52(12)(b), Florida Statutes, and Rule 25-22.039, F.A.C..
The request "to obtain party status" should therefore be summarily denied for a complete failure to comply with the applicable intervention rule.

WHEREFORE, for all of the foregoing reasons, PEF respectfully requests that the Commission deny the portion of the Notice of Filing and Petition that requests "party status" for Mr. Saporito, as an individual, and representing SEC.


Respectfully submitted this 4th day of March, 2009.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 4th day of March, 2009.


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