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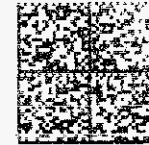
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State of Florida
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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Florida Industrial Power Users Group (McWhirter09a)
John W. McWhirter, Jr.
c/o McWhirter Law Firm

Agenda 3/17/09

090001

Item 6:7

DOCUMENT NUMBER-DATE

02272 MAR 17 8

FPSC-COMMISSION CLERK

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, March 17, 2009, 9:30 a.m.

LOCATION: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

DATE ISSUED: March 6, 2009

NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Office of Commission Clerk at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC Website on the day of the Conference. The audio version is available through archive storage for up to three months after the conference.

ITEM NO.

CASE

7

Docket No. 090001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor. (Florida Public Utility Company)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: McMurrin

Staff: ECR: Lee, Draper, Giles, Matlock, Roberts

GCL: Bennett, Saylor, Young

(Participation is at the Commission's discretion.)

Issue 1: Should the Commission approve FPUC's petition for mid-course corrections to its authorized fuel and purchased power cost recovery factors for the Northeast Division?

Recommendation: Yes.

Issue 2: What is the appropriate effective date for FPUC's revised cost-recovery factors?

Recommendation: The revised fuel factors should be applied to meters read on or after March 27, 2009.

Issue 3: Should this docket be closed?

Recommendation: No. The Fuel and Purchased Power Cost Recovery Clause is an on-going docket and should remain open.

FLORIDA PUBLIC SERVICE COMMISSION

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ITEM NO.

CASE

6**PAA

Docket No. 090001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor. (Progress Energy Florida, Inc.)

Critical Date(s): None

Commissioners Assigned: All Commissioners

Prehearing Officer: McMurrin

Staff: ECR: Lester, Draper, Giles, Laux, Matlock, Roberts, Maurey

GCL: Bennett, Hartman, Saylor

SGA: Ellis

(Issues 1 and 3 - Participation is at the Commission's discretion; Issue 2, Deferral of Collection of Nuclear Costs and Issue 4 – PAA.)

Issue 1: Should the Commission approve PEF's petition for a mid-course correction to its 2009 fuel and purchased power cost recovery factors?

Recommendation: Yes. The new factors are shown on Attachment A of staff's memorandum dated March 5, 2009.

Issue 2: Should the Commission approve PEF's petition for a change to its 2009 capacity factors?

Recommendation: Yes. PEF will reduce capacity factors by revising tariff sheet 6.105. The new factors are shown on Attachment A of staff's memorandum dated March 5, 2009.

Issue 3: If the Commission approves PEF's petition for a mid-course correction, when should the new fuel and purchased power cost recovery factors and the new capacity factors become effective?

Recommendation: If the Commission approves staff's recommendation on Issues 1 and 2, the revised fuel and capacity factors should become effective with the first billing cycle in April 2009.

Issue 4: Should the Commission release PEF from the requirement of Order No. PSC-08-0824-FOF-EI that it files a report showing the effect of projected fuel prices on its end-of-period true-up by March 13, 2009?

Recommendation: Yes.

Issue 5: Should this docket be closed?

Recommendation: No. The Fuel and Purchased Power Cost Recovery Clause docket is an on-going docket and should remain open.

**FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTY OF RECORD FOR DOCKET 080317-EI (HIT)**

FIELD	VALUE
Official Party of Record	Yes
MCD Group	No
Company Code	
Name of Party	McWhirter Law Firm
Attention	John W. McWhirter, Jr.
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Address Line 2	
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State	FL
Zip Code	33601-3350
Phone 1	813-224-0866
Phone 2	
Fax	813-221-1854
Email Address	jmcwhirter@mac-law.com
Alphabetize By	MCWHIRTER LAW FIRM
Represents	FIPUG/The Mosaic Company
Represented By	
Counties	
Added	10/20/2008 4:44 p.m. Ruth Nettles
Last Modified	03/05/2009 4:13 p.m. Kimberley Pena

**FLORIDA PUBLIC SERVICE COMMISSION
CASE MANAGEMENT SYSTEM
PARTY OF RECORD FOR DOCKET 090001-EI**

FIELD	VALUE
Official Party of Record	Yes
MCD Group	No
Company Code	
Name of Party	Florida Industrial Power Users Group (McWhirter09a)
Attention	John W. McWhirter, Jr.
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State	
Zip Code	
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Phone 2	
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Email Address	jmcwhirter@mac-law.com
Alphabetize By	FLORIDA INDUSTRIAL POWER USERS GROUP (MCWHIRTER09A)
Represents	
Represented By	Keefe Law Firm/McWhirter Law Firm
Counties	
Added	02/13/2009 12:30 p.m. Kimberley Pena
Last Modified	03/05/2009 2:04 p.m. Kimberley Pena