



March 30, 2009

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**VIA HAND DELIVERY**

Ms. Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: *Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.; Docket No. 080501-EI*

Dear Ms. Cole:

Enclosed for filing in the above referenced docket are the original and seven (7) copies of Progress Energy Florida, Inc.'s Prehearing Statement.

Thank you for your assistance in this matter.

Sincerely,

*John T. Burnett* LMS  
John T. Burnett

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C. Statement of the Basic Position:

The Standard Offer Contract for Renewable Energy and Qualifying Facilities is a contract that PEF must offer and be obligated under without any negotiation. The Standard Offer Contract cannot and should not attempt to encompass all terms and provisions desired by a particular renewable generator. Additional or different provisions, which are tailored to a particular renewable generator's needs, can be negotiated, using the Standard Offer Contract as a baseline to begin negotiations. The Commission's Standard Offer Contract rules promote renewable generation, as does PEF's Standard Offer Contract, which complies with those rules. Accordingly, PEF's Standard Offer Contract should be approved.

D.-F. Statement of Issues and Positions:

**ISSUE 1: Is the standard offer contract filed by Progress Energy Florida on July 15, 2008 in compliance with Rules 25-17.200 through 25-17.310, Florida Administrative Code?**

PEF: Yes. PEF's Standard Offer Contract complies with the Commission's Standard Offer Contract rules, Rules 25-17.200 through 25-17.310, F.A.C.

**ISSUE 2: Does the standard offer contract filed by Progress Energy Florida on July 15, 2008 contain terms and conditions that are not consistent with Rules 25-17.001 and 25-17.200 through 25-17.310, F.A.C.?**

PEF: No.

**ISSUE 3: Do the non-price terms and conditions of PEF's standard offer contract that are not specifically addressed by Florida Statutes or Commission regulations comply with the policies and purposes set forth in Section 366.91, F.S. and Rules 25-17.001 and 25-17.200, F.A.C.?**

PEF: Yes.

**ISSUE 4: Does the standard offer contract's methodology for determining an RF/QF's capacity payments comply with the requirements of Rules 25-17.200 through 25-17.310, F.A.C.?**

PEF: Yes.

**ISSUE 5:** Should Docket 070235-EQ, Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc., be closed?

PEF: Yes.

**ISSUE 6:** Should this docket be closed?

PEF: Upon FPSC approval of the Standard Offer Contract, this docket should be closed.

G. Stipulated Issues:

None at this time.

H. Pending Motions:

None at this time.

I. Requests or Claims for Confidentiality:

None at this time.

J. Objections to Expert Witness' Qualifications:

PEF has no objection to the qualifications of any expert witnesses in this proceeding at this time.

K. Statement of Non-compliance:

PEF believes that this prehearing statement complies with all the requirements of the Order Establishing Procedure.

Respectfully submitted,

  
JOHN T. BURNETT  
Associate General Counsel - Florida

299 First Avenue North  
St. Petersburg, Florida 33701  
(727) 820-5184 telephone

**Attorney for Progress Energy Florida, Inc.**

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail this 30<sup>th</sup> day of March 2009, to the following:

  
John T. Burnett

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