

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for waiver of Rule 25-17.250(1) and (2)(a), F.A.C., which requires Progress Energy Florida to have a standard offer contract open until a request for proposal is issued for same avoided unit in standard offer contract, and for approval of standard offer contract.

DOCKET NO. 080501-EI
DATED: MARCH 30, 2009

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STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0066-PCO-EI, filed January 30, 2009, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

There are no known witnesses at this time.

b. All Known Exhibits

There are no known exhibits at this time.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

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?

POSITION: No position at this time.

- COM 5
- ECR _____
- GCL _____
- OPC _____
- RCP _____
- SSC _____
- SGA _____
- ADM _____
- CLK _____

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, Florida Administrative Code?

POSITION: No position at this time.

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ISSUE 3: Do the non-price terms and conditions of the 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, Florida Statutes and Rules 25-17.001 and 25-17.200, Florida Administrative Code?

POSITION: No position at this time.

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, Florida Administrative Code?

POSITION: No position at this time.

ISSUE 5: Should this docket be closed?

POSITION: No position at this time.

ISSUE 6: 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 ?

POSITION: No position at this time.

e. Stipulated Issues

There are no stipulated issues at this time.

f. Pending Motions

There are no pending motions at this time.

g. Pending Confidentiality Claims or Requests

There are no pending confidentiality claims or requests at this time.


h. Objections to Witness Qualifications as an Expert

There are no objections to witness qualifications as an expert at this time.

i. Compliance with Order No. PSC-09-0066-PCO-EI

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 30th day of March, 2009.



JEAN E. HARTMAN
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of STAFF'S PREHEARING STATEMENT has been furnished to the following by U. S. mail this 30th day of March, 2009:


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