

Ruth Nettles

090002-EG

From: Tibbetts, Arlene [Arlene.Tibbetts@pgnmail.com]
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Subject: Docket 090002-EG PEF's Request for the Commission to Consider the Testimony of John A. Masiello Out of Order at the Final Hearing in this Docket
Attachments: PEF Motion to Consider Testimony Out of Order.pdf

This electronic filing is made by:

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Docket: 090002-EG

In re: Energy conservation cost recovery clause

On behalf of Progress Energy Florida

Consisting of 4 pages

The attached document for filing is PEF's Request for the Commission to Consider the Testimony of John A. Masiello Out of Order at the Final Hearing in this Docket

10/16/2009

DOCUMENT NUMBER-DATE
10642 OCT 16 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy conservation cost
recovery clause.

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Docket No. 090002-EG

Filed: October 16, 2009

**PROGRESS ENERGY FLORIDA, INC.'S REQUEST FOR THE COMMISSION
TO CONSIDER THE TESTIMONY OF JOHN A. MASIELLO OUT OF ORDER
AT THE FINAL HEARING IN THIS DOCKET**

Progress Energy Florida, Inc. ("PEF" or the "Company"), through its undersigned counsel and pursuant to Rule 28-106.104, F.A.C., hereby files PEF's Request for the Commission to Consider the Testimony of John A. Masiello Out of Order at the Final Hearing in this Docket. In support of PEF's Request, PEF states that:

1. The final hearing in this matter, pursuant to Order No. PSC-09-0184-PCO-EG, is scheduled for November 2, 3, and 4, 2009.
2. John A. Masiello has been selected by the Association of Energy Engineers ("AEE") Awards Committee to receive the award of 2009 Renewable Energy Innovator of the Year Award on November 4, 2009 in Washington DC at the 32nd World Energy Engineering Conference.
3. Mr. Masiello will also be honored as a distinguished leader in the energy industry at AEE's "Stars of Legends in Energy" banquet on November 3, 2009.
4. Mr. Masiello has filed direct and rebuttal testimony in this docket and is expected to testify as a witness for PEF.
5. Given the award being presented to Mr. Masiello, PEF requests that John A. Masiello be permitted to testify out of order, so that he may attend the banquet honoring him on November 3rd and the acceptance of this award on November 4th.

Based upon this conflict, PEF requests that John A. Masiello be permitted to testify on Monday, November 2, 2009.

6. PEF electronically provided this motion to all parties in this docket, and as of the time of this filing, PEF has received no objections to this motion.

Wherefore, PEF requests that the Commission grant PEF's Request for the Commission to Consider the Testimony of John A. Masiello Out of Order at the Final Hearing in this Docket.

Respectfully submitted this 16th day of October, 2009.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic and U.S. Mail this 16 day of October, 2009 to all parties of record as indicated below.


JOHN T. BURNETT

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