

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

DOCKET NO. 100437-EI  
ORDER NO. PSC-12-0115-PCO-EI  
ISSUED: March 14, 2012

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC.'S  
MOTION TO DISMISS PHASE 1 AND MOTION TO STAY PHASES 2  
AND 3 OF DOCKET NO. 100437-EI

Background

On January 20, 2012, Progress Energy Florida (PEF) filed a petition for a limited proceeding to approve a Stipulation and Settlement Agreement (Agreement) among all but one of the parties to this docket (the Southern Alliance for Clean Energy) that would resolve issues in several existing and continuing dockets including this one. The Petition for a limited proceeding was granted and subsequently the Public Service Commission voted to accept and approve the Agreement on February 22, 2012 and issued Order No. PSC-12-0104-FOF-E, on March 8, 2012, in Docket No. 120022-EI.

The Agreement itself states in paragraph seven that "It is the intent of the parties that, within five days of the [Commission's approval of the Agreement], PEF will file a motion to dismiss Phase 1 and to stay Phases 2 and 3 of Docket No. 100437-EI consistent with the terms of this Agreement." Paragraphs seven through eleven of the Agreement describe a course of action that will most likely resolve or narrow the issues related to Phase 2 and Phase 3 of this docket.

Pursuant to the approved Agreement PEF filed a motion on February 27, 2012 to dismiss Phase I and to stay Phases 2 and 3 of this docket as previously described by Order No. PSC-11-0352-PCO-EI.

Analysis and Ruling

The Agreement approved by the Commission resolves issues related to Phase 1 and renders this portion of the docket moot. In light of this, PEF's motion contends that the parties to the Agreement agree that the Commission should dismiss Phase 1 and stay Phase 2 and 3 of this docket. Commission approval of the Agreement on February 22, 2012 recognizes this intent of the parties and is consistent with a long standing and strong Commission policy in favor of resolving disputes through settlement or stipulation.

Furthermore, pursuant to Rule 28-106.204(3), Florida Administrative Code, PEF has conferred with all parties of record in this docket. The parties who are also signatories to the

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FPSC-COMMISSION CLERK

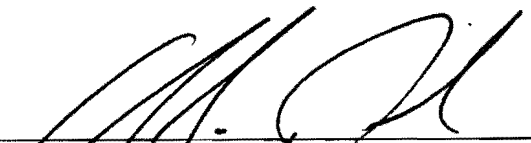
Agreement support PEF's Motion. The Southern Alliance for Clean Energy has represented that it does not oppose this motion. In light of these circumstances, the arguments presented by PEF in its motion, and that no party to this docket opposes the granting of the motion, PEF's Motion is hereby approved.

Based on the foregoing, it is

ORDERED that Phase I of this docket as described in Order No. PSC-11-0352-PCO-EI is hereby dismissed.

ORDERED that Phase 2 and Phase 3 of this docket as described in Order No. PSC-11-0352-PCO-EI are stayed subject to the compliance with or completion of the terms of the Agreement by the signatories of said Agreement; or until such time as the Prehearing Officer, in his sole discretion, determines that parties are no longer able to resolve or narrow the issues involving Phase 2 or Phase 3 under the framework of the Agreement.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this  
14th day of March, 2012.



EDUARDO E. BALBIS  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MTL

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.