

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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| In re: Fuel and purchased power cost recovery clause with generating performance incentive factor. | DOCKET NO. 090001-EI ORDER NO. PSC-09-0153-PCO-EI ISSUED: March 12, 2009 |
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ORDER ADDRESSING PROGRESS ENERGY FLORIDA, INC.'S
MOTION FOR EXTENSION OF TIME

Background

On December 22, 2008, the Commission issued its Final Order in Docket No. 080001-EI, In re: Fuel and purchased power cost recovery clause with generating performance incentive factor (2008 Fuel Order). The Commission's 2008 Fuel Order included certain filing requirements pertaining to Progress Energy Florida, Inc. (PEF). Specifically, the Commission ordered PEF to file a report in Docket No. 090001-EI by March 13, 2009, stating the effect of projected fuel prices as of the end of February 2009 on PEF's current fuel factor and on PEF's estimated true-up for 2009. In the 2008 Fuel Order, the Commission suggested that Schedule E1-B, based on PEF's actual experience through February 27, 2009, and on PEF's projected total fuel costs for the remainder of 2009, would meet the filing requirements.

PEF's Petition for Expedited Approval of Modifications to Fuel and Capacity Cost Recovery Factors

On February 18, 2009, PEF filed its Petition for Modification to Tariff Sheet 6.105 for a Reduction to Fuel and Capacity Cost Recovery Factors (Petition) in Docket No. 090001-EI. The Petition is a request to lower PEF's current fuel factor, in part because of lower than projected fuel costs. Included as an attachment to the Petition is PEF's Schedule E1-B, with PEF's actual fuel prices for January 2009 and its estimated fuel prices for the remaining months of 2009. PEF's Petition also requests that its Petition and attachments serve to meet the filing requirements imposed by the 2008 Fuel Order.

On March 5, 2009, the Commission staff filed its recommendation addressing PEF's Petition for the Commission's consideration at the March 17, 2009, Agenda Conference. Issue 4 of the staff recommendation addresses whether PEF should be relieved of the March 13, 2009, filing requirements imposed by the 2008 Fuel Order. Staff recommends that in light of PEF's February 18, 2009, Petition and attached Schedule E1-B, the March 13 filing is unnecessary, and that PEF should be released from the March 13, 2009, filing requirements imposed by the 2008 Fuel Order.

PEF's Motion for Extension of Time

On February 27, 2009, PEF filed a Motion for Extension of Time (Motion) requesting a thirty-day extension to the March 13, 2009, filing requirements imposed by the 2008 Fuel Order.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

In its Motion, PEF acknowledges that the Commission is scheduled to vote on PEF's Petition at the March 17, 2009, Agenda Conference. However, since the 2008 Fuel Order requires PEF to make its filing four days before the Commission's Agenda, PEF is seeking a thirty-day extension to the March 13, 2009, filing date in order to allow the Commission to first rule on the relief sought in PEF's Petition, which includes a request to be relieved of the March 13, 2009, filing requirement. No party filed a response to PEF's Motion, and the time for doing so has passed.

Analysis and Ruling

In light of the Commission's upcoming consideration of PEF's Petition at the March 17, 2009, Agenda Conference, it appears that PEF's Motion for an extension to the filing requirements imposed by the 2008 Fuel Order is reasonable. If the Commission approves staff's recommendation on Issue 4, PEF will be relieved of the requirement in the 2008 Fuel Order to file a report on March 13, 2009. However, because the Commission's Agenda Conference occurs after the March 13, 2009, filing date, an extension is necessary to allow the Commission time to rule on PEF's Petition. If the Commission denies staff's recommendation on Issue 4, a revised filing date should be imposed by the full Commission at that time. Accordingly, PEF's Motion for Extension of Time is granted in part.

Based upon the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrin, as Prehearing Officer, that Progress Energy Florida, Inc.'s Motion for Extension of Time is granted in part.

By ORDER of Commissioner Katrina J. McMurrin, as Prehearing Officer, this 12th day of March, 2009.



KATRINA J. McMURRIAN
Commissioner and Prehearing Officer

(S E A L)

LCB

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.