

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF PETITION FOR EMERGENCY VARIANCE OR WAIVER OF THE 60-DAY
NOTICE REQUIREMENT IN RULE 25-6.140, F.A.C.
BY PROGRESS ENERGY FLORIDA, INC.

TO

PROGRESS ENERGY FLORIDA
OFFICE OF PUBLIC COUNSEL
OFFICE OF THE ATTORNEY GENERAL

AND

ALL OTHER INTERESTED PERSONS

DOCKET NO. 090079-EI

PETITION FOR INCREASE IN RATES BY PROGRESS ENERGY FLORIDA

ISSUED: February 13, 2009

NOTICE IS HEREBY GIVEN that Progress Energy Florida, Inc. petitioned for emergency variance or waiver of the 60-day notice requirement in Rule 25-6.140, Florida Administrative Code (F.A.C.). Rule 25-6.140, F.A.C. provides in part:

(1) At least sixty (60) days prior to filing a petition for a general rate increase, a company shall notify the Commission in writing of its selected test year and filing date.

The full text of Progress's petition can be found at the Commission's website in Docket No. 090079-EI.

Pursuant to Rule 28-104.005, F.A.C., the Commission must grant or deny a petition for emergency variance or waiver within 30 days of its receipt. If a petition is not granted or denied within 30 days, the petition shall be deemed approved unless the time limit is waived by the petitioner. The Commission received this petition on February 12, 2009.

All interested persons have the right to submit written comments on the petition for emergency variance. Comments must be submitted within 5 days of the issuance of this notice. This notice is being issued on February 13, 2009, and will be provided by electronic mail to the

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parties and interested persons of record. Written comments may be submitted to the Commission at:

Office of the Commission Clerk
Florida Public Service Commission
Attention: Docket No. 090079-EI
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Comments may also be submitted by electronic mail to the Commission Clerk at clerk@psc.state.fl.us , referencing Docket No. 090079-EI.

By providing written comments, a person does not become a party to the proceeding. To become an official party of record, a person must file a Petition to Intervene pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code (F.A.C.).

BY DIRECTION of the Florida Public Service Commission this 13th day of February, 2009.



ANN COLE
Commission Clerk

(S E A L)

LCB