

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for approval of standard form
underground conversion contract by Progress
Energy Florida, Inc. DOCKET NO. 050068-EI
ORDER NO. PSC-05-0302-PCO-EI
ISSUED: March 21, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On January 14, 2005, Progress Energy Florida, Inc. (PEF) filed a request for approval of a standard form underground conversion agreement to be included in its tariff. The agreement is intended for use when applicants request that existing overhead electric distribution facilities be relocated underground. We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, and 366.06, Florida Statutes.

Pursuant to Section 366.06(3), Florida Statutes, we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days. We have decided to suspend our approval of this proposed tariff to allow time for full and careful review of its provisions. It is therefore

ORDERED by the Florida Public Service Commission that request for approval of standard form underground conversion contract by Progress Energy Florida, Inc. is suspended pending further review. It is further

ORDERED that this docket shall remain open.

DOCUMENT NUMBER-DATE

02706 MAR 21 05

FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 21st day of March, 2005.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk and
Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

MCB

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 Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, 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.