

BEFORE THE PUBLIC SERVICE COMMISSION

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In re: Petition on behalf of Citizens of the State of Florida to require Progress Energy Florida, Inc. to refund customers \$143 million.

DOCKET NO. 060658-EI

FILED: MARCH 9, 2007

COMMISSION CLERK

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-07-0048-PCO-EI, filed January 16, 2007, and Order No. PSC-07-0132-PCO-EI, filed February 15, 2007, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Staff intends to offer the Direct Testimony of Bernard M. Windham.

b. All Known Exhibits

Staff intends to offer the following exhibits associated with the Direct Testimony of Mr. Windham:

<u>Exhibit</u>	<u>Title</u>
BW-2	Foreign Compliance Coal Purchased in Tons
BW-3	Summary of Federal Energy Regulatory Commission (FERC) 423 Delivered Price Information
BW-4	Comparison of Delivered Cost of Colorado Bituminous Coal to Delivered Price of Central Appalachian (CAPP) Coal for PEF
BW-5	FERC 423 Form Definitions, Codes, and Sources
BW-6	Breakout of Coal Purchased for Crystal River 4 and Crystal River 5 by Contract Type
BW-7	PSC 423 Forms for Gulf Power Company (December 1999 and March 2004)
BW-8	Columbia to Gulf Coal Freight Rates, US Army Corps of Engineers
BW-9	REVISED Excerpted Coal Delivered Price Information from FERC 423 Data Base

- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

02156 MAR-98

FPSC-COMMISSION CLERK

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BW-10 PEF's Response to Staff's Sixth Set of Interrogatories, Number 91, Docket No. 040001-EI

BW-11 PEF's Response to Staff's First Set of Interrogatories No. 1, Docket No. 060001-EI

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

**ISSUE 1:** Did PEF act prudently in purchasing coal for Crystal River Units 4 and 5 beginning in 1996 and continuing to 2005?

**POSITION:** No position at this time.

**ISSUE 2:** If the Commission determines that PEF acted imprudently in its coal purchases, should PEF be required to refund customers for coal purchased to run Crystal River Units 4 and 5 during the time period of 1996 – 2005?

**POSITION:** No position at this time.

**ISSUE 3:** If the Commission determines that PEF should be required to refund customers for coal purchased to run Crystal River Units 4 and 5, what amount should be refunded?

**POSITION:** No position at this time.

**ISSUE 4:** If the Commission determines that PEF should be required to refund customers for coal purchased to run Crystal River Units 4 and 5, how and when should such refund be accomplished?

**POSITION:** No position at this time.

e. Stipulated Issues

Staff is not aware of any stipulated issues at this time.

f. Pending Motions

Staff has no pending motions at this time.

g. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests at this time.

h. Objections to Witness Qualifications as an Expert

Staff has no objections to any witness' qualifications as an expert in this proceeding.

i. Compliance with Order No.PSC-07-0048-PCO-EI

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 9<sup>th</sup> day of March, 2007.



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LISA C BENNETT

Staff Attorney

FLORIDA PUBLIC SERVICE COMMISSION

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LCB

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition on behalf of Citizens of the State  
of Florida to require Progress Energy Florida,  
Inc. to refund customers \$143 million.

DOCKET NO. 060658-EI

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of STAFF'S PREHEARING  
STATEMENT has been served by electronic mail and U. S. Mail to the following this 9<sup>th</sup> day of  
March, 2007:

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