

**Matilda Sanders**

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From: Mike Twomey [miketwomey@talstar.com]  
Sent: Monday, March 12, 2007 12:02 PM  
To: Filings@psc.state.fl.us  
Subject: Electronic filing in Docket no. 060658

Attachments: AARP's Docket No. 060658 Prehearing Statement.doc

**ORIGINAL**

AARP's  
No. 060658 F

a. Person responsible for this electronic filing:

Michael B. Twomey  
PO Box 5256  
Tallahassee, Fl 32314-5256  
850-421-9530

b. Docket No. 060658-EI

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

c. Document being filed on behalf of AARP

d. There are a total of 4 pages.

e. The document attached for electronic filing is AARP's Prehearing Statement.

Thank you for your attention and cooperation to this request.

Mike Twomey

DOCUMENT NUMBER-DATE

02192 MAR 12 5

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA 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

Filed: March 12, 2007

**AARP'S PREHEARING STATEMENT**

I. Witness:

AARP will call the following witness:

Stephen A. Stewart

Stewart testifies primarily on the necessity of a penalty being imposed by the Commission if Progress Energy is found to have violated Section 366.095, Florida Statutes.

II. Exhibits:

(SAS-1) -- Detail of Stephen Stewart's Qualifications and Regulatory Experience.

(SAS-2) -- Operating Instruction for CR-4.

(SAS-3) -- Electric Fuels' Responses to EPA

(SAS-4) -- FERC Form detailing PRB coal shipments to Southeast Plants

(SAS-5) -- Order No. 23573, in Docket No. 891345

(SAS-6) -- Gulf Power Rate Case Florida Supreme Court Opinion

## STATEMENT OF GENERAL AND SPECIFIC POSITIONS

AARP: For ease of the Staff in preparing the Prehearing Order, AARP adopts Public Counsel's General Position, as well as the positions it takes on all other individual issues with the exception of that on Issues 25 and 26. Issue 25 should be rewritten as follows to fully reflect the language of Section 366.095, F.S.:

ISSUE 25: If the Commission determines that PEF willfully violated any lawful rule or order of the Commission or any provision of Chapter 366, Florida Statutes, should the Commission impose a penalty on PEF?

AARP: Yes, the Commission should impose a penalty in order to deter future conduct in violation of the law.

ISSUE 26: If the Commission determines to impose a penalty on PEF, what should be the amount of the penalty and how should it be imposed?

AARP: The penalty should be ten percent of the amount, if any, ordered refunded as the result of being imprudently incurred fuel expense. The penalty, if any, should be credited to the fuel adjustment clause to the benefit of the utility's customers.

### **Stipulated Issues**

AARP has not stipulated to any issues.

### **Pending Motions**

AARP has no pending motions at this time.

### **Pending Requests or Claims for Confidentiality**

AARP has no pending requests or claims for confidentiality.

### **Notice of Intent to Use Confidential Documents at Hearing**

AARP does not presently propose to use any confidential documents at hearing:

### **Objections to Qualifications of Witnesses as Experts**

AARP does not object to the qualifications of any expert.

**Requirements of Order Establishing Procedure**

AARP believes it has complied with the requirements of the order establishing procedure.

Respectfully submitted,

/s/ Michael B. Twomey, Sr.  
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For AARP

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Prehearing Statement has been furnished by electronic mail and U.S. Mail this 12th day of March, 2007 to the following individuals:

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/s/ Michael B. Twomey, Sr.