

**Ruth Nettles**

**From:** ROBERTS.BRENDA [ROBERTS.BRENDA@leg.state.fl.us]  
**Sent:** Friday, January 30, 2009 2:08 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lisa Bennett; John Burnett  
**Subject:** e-filing (Dkt. No. 070703-EI)  
**Attachments:** Cole ltr.dated 1.30.09.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Joseph A. McGlothlin, Associate Public Counsel  
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c/o The Florida Legislature  
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b. Docket No. 070703-EI

In re: Review of coal costs for Progress Energy Florida's Crystal River Units 4 and 5 for 2006 ad 2007

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 3 pages.

e. The document attached for electronic filing is a letter to Ms. Ann Cole, Commission Clerk.

(See attached file: Cole ltr.dated 1.30.09.sversion.doc)

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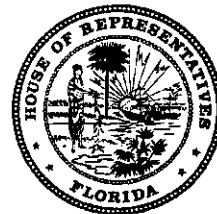
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January 30, 2009

Ms. Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 070703-EI

Dear Ms. Cole:

On October 1, 2007, our office filed in Docket No. 070001-EI a document containing testimony of witness Robert Sansom addressing certain issues related to the costs that Progress Energy Florida incurred to fuel Crystal River Units 4 and 5 during 2006. The testimony was filed under a claim of confidentiality by Progress Energy Florida, Inc. (PEF). We filed the testimony at the time in an abundance of caution to comply with a procedural milestone of Docket No. 070001-EI. On October 31, 2007 we submitted the public version of the testimony.

Following the conclusion of Docket No. 060658-EI, in which the Commission considered a petition by our office to require PEF to refund certain excess coal costs relating to a period that ended with calendar year 2005, the Commission opened Docket No. 070703-EI to consider related issues as they pertain to costs of coal incurred by PEF during calendar years 2006 and 2007. Because the prefiled testimony of Mr. Sansom that OPC filed in Docket No. 070001 was related to some of these issues, administratively the prefiled testimony that OPC submitted in Docket No. 070001-EI was transferred to the document listing of Docket No. 070703-EI.

As the parties are aware, the Commission prepared a separate procedural schedule for Docket No. 070703-EI. Early in the proceeding, OPC informed Staff and PEF that

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OPC would withdraw the testimony that it filed in Docket No. 070001-EI—the document that was transferred to Docket No. 070703-EI— and replace it with testimony that OPC would submit on the date specified in the Order On Procedure issued in Docket No. 070703-EI. Due to an inadvertent oversight, OPC did not communicate the withdrawal to the Clerk's office at the time. The purpose of this letter is to correct that oversight. OPC hereby withdraws the confidential and public versions of testimony of Mr. Sansom that were filed originally on October 1, 2007 and October 31, 2007, respectively. As contemplated by the schedule that the Commission promulgated for the docket, OPC will file its testimony addressing the issues in Docket No. 070703-EI on Monday ,February 2,2009.

Yours truly,

s/ Joseph A. McGlothlin  
Joseph A. McGlothlin  
Associate Public Counsel

JAM:bsr

cc: Lisa Bennett  
John Burnett