

~~X~~ Administrative Parties Consumer

DOCUMENT NO. 07249-09

DISTRIBUTION: \_\_\_\_\_

Ann Cole

090372-EQ

To: Diamond Williams

Cc: Dorothy Menasco

Subject: 090372-EQ

Please place the attached [original page 5 of DN 05499-10] in *Docket Correspondence - Administrative* [DN 07249-09], for our records. Thank you.

RECEIVED-PPSC

10 JUL -9 AM 10:39

COMMISSION  
CLERK

ignore the essential requirements of the law. Such a substantial departure from controlling law and well established Commission precedent creates a slippery slope to the extent that this Order represents a cloud of uncertainty with respect to the applicable standard of review or reconsideration of future Commission orders.<sup>3</sup>

The Funding Group Legal Argument is Fundamentally Flawed

The legal argument advanced by the petitioner is without merit and fundamentally flawed. Section 120.569(2)(c), Florida Statutes, requires the Commission to dismiss a petition and grant leave to amend when the required content of the pleading is not in accordance with the uniform rules. The petitioner's gross misinterpretation of Section 120.569(2)(c), Florida Statutes, wrongfully asserts that this statute provides the procedural means, in the wake of an adverse ruling, to subsequently amend a petition conforming to the uniform rules that has been properly decided on the merits. The plain and unambiguous language of this statute does not support this bad faith argument.

Additionally, the legal argument advanced by the petitioner is not supported by controlling case law. The case law cited by the petitioner is not directly on point and can be readily distinguished from the facts of the instant case to the extent that the Commission granted the Motion to Dismiss on the merits for lack of standing, and subsequently rendered an order setting forth with specificity the reasons for dismissal.<sup>4</sup> Moreover, the petitioner failed to cite more recent case law supporting an interpretation of the statute that is adverse to the interpretation advanced by the petitioner.

Furthermore, lack of diligence by the petitioner does not create a due process right in the wake of an adverse ruling on the merits. Specifically, the petitioner failed to exercise at least three separate procedural options in response to the Motion to Dismiss. First, the petitioner could have requested a deferral of the Motion to Dismiss, but failed to do so. Second, the petitioner could have requested leave to amend prior to the Commission rendering a decision on the merits, but failed to do so. Third, the petitioner could have requested a voluntary withdrawal of its petition, without prejudice (providing an opportunity to file a timely amended petition), but failed to do so. Instead of exercising diligence when confronted with a Motion to Dismiss, the petitioner choose to merely insert a placeholder within its responsive pleading asserting the right to amend in the event of an adverse ruling on the merits. Unfortunately, this asserted right is not supported by statute and is insufficient to overturn an adverse decision properly rendered on the merits.

For these reasons, the Motion for Reconsideration must be properly denied.

<sup>3</sup> Florida Supreme Court precedent is controlling case law and *binding upon* the Commission. (emphasis added).

<sup>4</sup> City of Winter Park v. Metropolitan Planning Org. for Orlando Urban Area, 765 So. 2d 797, 798 (Fla. 1st DCA 2000).

Typographical error corrected by the Commission Clerk on 7/19/10,  
per request of Christina Alston, Commissioner Alston's office.  
- Ann Cole

**Matilda Sanders**

PSC-10-0685-FOF-EQ

D90372-EQ

From: Terry Holdnak  
Sent: Monday, November 15, 2010 2:06 PM  
To: CLK - Orders / Notices  
Cc: Jennifer Crawford  
Subject: Order / Notice Submitted

Date and Time: 11/15/2010 2:02:00 PM  
Docket Number: 090372-EQ  
Filename / Path: 090372.Final Order.jsc.doc

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 07249-09		
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**ORDER GRANTING MOTION TO DISMISS  
AMENDED PROTEST WITH PREJUDICE**

This order is being re-submitted with the change on page 8, last ordering paragraph, per Matilda's suggestion. It has been re-pasted to GCOrders.

*Terry K. Holdnak*  
Commission Deputy Clerk II  
Office of the General Counsel  
Florida Public Service Commission  
850-413-6738

fax 1  
mail 2  
email 3

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090372**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	E1801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No

## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Monday, November 15, 2010 4:16 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 193201)  
**Attachments:** 09366-10.pdf

*The attached order or notice has been issued by the Public Service Commission.*

*If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.*

*When replying, please do not alter the subject line; as it is used to process your reply.*

*Thank you.*

11/15/2010

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090372**

*090372-EQ*

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No

*Faxed - 1  
MAILED - 2  
EMAILED - 3*

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<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <i>07249-09</i>		
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State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

---

TO: Parties and Interested Persons  
FROM: Ann Cole, Commission Clerk, Office of Commission Clerk  
RE: Notice of Filing of Staff Recommendation

---

Notice is being given that a staff recommendation has been filed with the Office of Commission Clerk for the upcoming Commission Conference Agenda. See attached page one for filing date, docket number, and document number information.

Complete staff recommendations for items on the agenda are available from the Commission's Web site <http://www.floridapsc.com> by selecting the **Agendas & Hearings** tab and then selecting **Commission Conference Agendas**. Vote sheets, transcripts, and minutes are also viewable once they become available. Records of Commission actions can also be viewed by selecting **Dockets & Filings, Dockets** and the docket number or document number.

I hope you find this information helpful. If you have any questions concerning this information, please feel free to contact the Office of Commission Clerk at (850) 413-6770.

State of Florida



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TALLAHASSEE, FLORIDA 32399-0850

RECEIVED FPSC

10 OCT 14 AM 9:5

COMMISSION  
CLERK

**-M-E-M-O-R-A-N-D-U-M-**

---

**DATE:** October 14, 2010

**TO:** Office of Commission Clerk (Cole)

**FROM:** Office of the General Counsel (J. Crawford) *JMK/GJC*  
Division of Regulatory Analysis (S. Brown) *SB*

**RE:** Docket No. 090372-EQ – Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida. *WBNK* *RET*

**AGENDA:** 10/26/10 – Regular Agenda – Motion to Dismiss – Oral argument not requested; participation is at the Commission’s discretion

**COMMISSIONERS ASSIGNED:** Edgar and Skop

**PREHEARING OFFICER:** Skop

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\RAD\WP\090372.RCM.DOC

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**Case Background**

On July 16, 2009, Progress Energy Florida, Inc. (PEF or Company) filed a petition requesting approval of a contract for the purchase of firm capacity and energy between PEF and Florida Biomass Energy, LLC (FB Energy). The contract is based on FB Energy constructing, owning, and operating a fluidized bed boiler power production generating qualifying facility located in Manatee County, Florida. The facility will use a waste wood and energy crop as its primary fuel to produce approximately 60 megawatts of electricity during a contract term beginning January 1, 2013, through December 31, 2032.

The Commission approved the proposed contract at its December 1, 2009, Agenda Conference, and subsequently issued Order No. PSC-09-0852-PAA-EQ on December 30, 2009,

DOCUMENT NUMBER DATE

08584 OCT 14 09

FPSC-COMMISSION CLERK



## Commission Clerk

---

**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 501924)

**Attachments:** Recommendation 08584-10.pdf

The attached order or notice has been issued by the Public Service Commission.

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When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

090372-<sup>1</sup>EQ

**Matilda Sanders** PSC-10-0533-PCO-EQ

**From:** Gloria Ross  
**Sent:** Thursday, August 19, 2010 3:37 PM  
**To:** CLK - Orders / Notices  
**Cc:** Jennifer Crawford; Shevie Brown; Terry Holdnak  
**Subject:** Order / Notice Submitted

**Date and Time:** 8/19/2010 3:31:00 PM  
**Docket Number:** 090372-EQ  
**Filename / Path:** I:\2009\090372\090372.Order to Expedite Discovery.jsc.doc  
**Order Type:** Signed / Hand Deliver

RECEIVED-PPSC  
 10 AUG 19 PM 3:46  
 COMMISSION  
 CLERK

Please issue this Order for today's date.

**ORDER GRANTING MOTION TO EXPEDITE DISCOVERY**

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 MAILED - 2

PPSC, CLK - CORRESPONDENCE	
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Periodic
DOCUMENT NO. 07249-09	
DISPOSITION:	

*Gloria Ross*  
 Commission Deputy Clerk II  
 Office of the General Counsel  
 Florida Public Service Commission  
 850-413-6214

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090372**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No

## Commission Clerk

---

**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 821336)

**Attachments:** 06901-10.pdf

The attached order or notice has been issued by the Public Service Commission.

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When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

09 0372-EQ

COMMISSIONERS:  
NANCY ARGENZIANO, CHAIRMAN  
LISA POLAK EDGAR  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

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DOCUMENT NO., 01249-09		
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June 10, 2010

John T. Burnett, Esquire  
Progress Energy Florida, Inc.  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301-7740

RECEIVED Lisa Hight  
DATE 6-16-10

Re: Return of Confidential Documents to the Source

Dear Mr. Burnett:

Commission staff have advised that the confidential documents listed below, filed on behalf of Progress Energy Florida, Inc. in the dockets listed below can be returned to the source. The documents are enclosed.

DOCKET NO(S).	DOCUMENT NO(S).
080001-EI	06800-08, 07903-08, 07337-08, 05619-08
080149-EI 7	06343-08, 06776-08
090009-EI	04213-09, 06445-09, 06578-09, 07086-09, 07393-09, 07441-09, 08300-09, 08391-09, 08642-09, 08932-09, 09333-09, 09342-09, 09343-09, 09471-09, 09473-09, 09474-09, 09475-09, 09476-09
090372-EQ	07196-09, 10545-09, 10899-09
100000-OT	02885-10

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,  
  
Kimberley M. Peña  
Records Management Assistant

AC:kmp  
Enclosure

cc: Tripp Coston, Lynn Fisher, Office of Auditing and Performance Analysis  
Marshall Willis, Jim Breman, Cayce Hinton, Daniel Lee, Pete Lester, Division of Economic Regulation,  
Shevie Brown, Robert Graves, Division of Regulatory Analysis  
Lisa Bennett, Jennifer Brubaker, Keino Young Office of the General Counsel

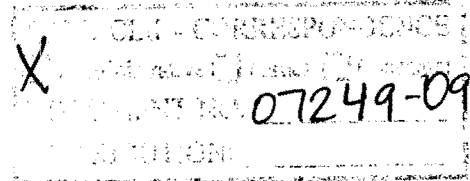
Matilda Sanders

PSC-10-0434-FOF-EQ

090372-EQ

From: Terry Holdnak  
Sent: Tuesday, July 06, 2010 2:56 PM  
To: CLK - Orders / Notices  
Cc: Jennifer Crawford; Erik Saylor; Mary Anne Helton  
Subject: Order / Notice Submitted

Date and Time: 7/6/2010 2:51:00 PM  
Docket Number: 090372-EQ  
Filename / Path: 090372.Reconsideration Order.jsc.doc



**ORDER GRANTING MOTION FOR RECONSIDERATION AND LEAVE TO FILE AMENDED PROTEST**

Please note that Commissioner Skop has just rendered his dissent in this order and is requesting that it be issued today. Please let me know if there is a problem or if there is anything I need to do to assist in it being issued today.

Thank you,

*Terry K. Holdnak*  
Commission Deputy Clerk II  
Office of the General Counsel  
Florida Public Service Commission  
850-413-6738

faxed 1  
mailed 2  
emailed 3

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090372**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No

## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Tuesday, July 06, 2010 3:44 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 400045)  
**Attachments:** 05499-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

7/6/2010



**FLORIDA PUBLIC SERVICE COMMISSION  
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PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	E1801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No

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mailed 2  
emailed 3

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INCIDENT NO. 07249-09		
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## Docket Index for June 29, 2010, Commission Conference Agenda

1. Minutes
  - May 18, 2010 Regular Commission Conference
  - May 27, 2010 Special Commission Conference
2. Consent Agenda
  - A) ✓100273-TX (2)
  - ✓100309-TX (2)
  3. ✓090499-EQ (3)
  4. ✓100043-EQ (2)
  5. ✓100180-TP (3)
  6. ✓090319-EI (3)
  7. ✓090447-WS (11)
  8. ✓090372-EQ (6)

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Ausley Law Firm (10a)		jwahlen@ausley.com	No
CHL Solutions		carol@xyncom.com	No
Craig DeMange		crinthehs@aol.com	No
Del Burfitt		dburfitt@citizensfp.com	No
Donald Hartwig		dghartwig@att.net	No
Frank Scutt		fscutt221@msn.com	No
Gulf Power Company	EI804	sdriteno@southernco.com	No
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
ITS Telecommunications Systems, Inc.	TG739	donnam@itstelecom.net	No
Jessie Hummel		JessieHummel@bellsouth.net	No
John Pachler		johnpachler@bellsouth.net	No
Nowalsky, Bronston & Gothard		bbronston@nbglaw.com	No
Progress Energy Florida, Inc.		paul.lewisjr@pgnmail.com	No
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No
R C & Gale Gove		rcgboats@aol.com	No
Ruden Law Firm (08)		Mary.Smallwood@ruden.com	No
T.J. Levey		TLevey@cfl.rr.com	No
Tampa Electric Company		Regdept@tecoenergy.com	No
XYN Communications of Florida, LLC		heidi@xyncom.com	No
Young Law Firm (10)		swright@yvlaw.net	No

## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Friday, June 18, 2010 8:55 AM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 766193)  
**Attachments:** JUN29-10.AGN.pdf

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Thank you.

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

---

**TO:** Parties and Interested Persons  
**FROM:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**RE:** Notice of Filing of Staff Recommendation

---

Notice is being given that a staff recommendation has been filed with the Office of Commission Clerk for the upcoming Commission Conference Agenda. See attached page one for filing date, docket number, and document number information.

Complete staff recommendations for items on the agenda are available from the Commission's Web site <http://www.floridapsc.com> by selecting the **Agendas & Hearings** tab and then selecting **Commission Conference Agendas**. Vote sheets, transcripts, and minutes are also viewable once they become available. Records of Commission actions can also be viewed by selecting **Dockets & Filings, Dockets** and the docket number or document number.

I hope you find this information helpful. If you have any questions concerning this information, please feel free to contact the Office of Commission Clerk at (850) 413-6770.

## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Thursday, June 17, 2010 1:48 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 315594)  
**Attachments:** Recommendation 05053-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

6/17/2010

Matilda Sanders

PSC-10-0256-FOF-EQ

090372-EQ

From: Terry Holdnak  
 Sent: Monday, April 26, 2010 12:09 PM  
 To: CLK - Orders / Notices  
 Cc: Jennifer Brubaker  
 Subject: Order / Notice Submitted

Date and Time: 4/26/2010 12:08:00 PM  
 Docket Number: 090372-EQ  
 Filename / Path: 090372.Order On Motion To Dismiss.jsb.doc

PSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consular
DOCUMENT NO. 07249-09		
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**ORDER GRANTING MOTION TO DISMISS**

Terry K. Holdnak  
 Commission Deputy Clerk II  
 Office of the General Counsel  
 Florida Public Service Commission  
 850-413-6738

faxed 1  
 mailed 2  
 emailed 3

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090372**

<b>PARTY NAME</b>	<b>COMPANY CODE</b>	<b>EMAIL ADDRESS</b>	<b>ADDRESS IN MASTER COMMISSION DIRECTORY</b>
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No



## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Monday, April 26, 2010 3:41 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 222779)  
**Attachments:** 03328-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

4/26/2010

090372

FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
KICKBACK EMAIL ADDRESSES FOR EMAIL ID 858128

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No

faxed 3/25/10

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DOCUMENT NO. 07249-09  
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090372

FLORIDA PUBLIC SERVICE COMMISSION  
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PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Icard Law Firm (10)		rlincoln@icardmerrill.com	No
Progress Energy Florida, Inc.	E1801	paul.lewisjr@pgnmail.com	No
Young Law Firm (10)		swright@yvlaw.net	No

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DOCUMENT NO 07249.09  
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## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

---

**TO:** Parties and Interested Persons  
**FROM:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**RE:** Notice of Filing of Staff Recommendation

---

Notice is being given that a staff recommendation has been filed with the Office of Commission Clerk for the upcoming Commission Conference Agenda. See attached page one for filing date, docket number, and document number information.

Complete staff recommendations for items on the agenda are available from the Commission's Web site <http://www.floridapsc.com> by selecting the **Agendas & Hearings** tab and then selecting **Commission Conference Agendas**. Vote sheets, transcripts, and minutes are also viewable once they become available. Records of Commission actions can also be viewed by selecting **Dockets & Filings, Dockets** and the docket number or document number.

I hope you find this information helpful. If you have any questions concerning this information, please feel free to contact the Office of Commission Clerk at (850) 413-6770.

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

---

**DATE:** March 25, 2010

**TO:** Office of Commission Clerk (Cole)

**FROM:** Office of the General Counsel (Brubaker) *SB*  
Division of Regulatory Analysis (Brown) *SB* *MB*

**RE:** Docket No. 090372-EQ – Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

**AGENDA:** 04/06/10 – Regular Agenda – Motion to Dismiss – Oral argument not requested; participation is at the Commission’s discretion

**COMMISSIONERS ASSIGNED:** Edgar, Skop, Stevens

**PREHEARING OFFICER:** Stevens

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\090372.RCM.DOC

RECEIVED-FPSC  
10 MAR 25 PM 12:32  
COMMISSION  
CLERK

### Case Background

On July 16, 2009, Progress Energy Florida, Inc. (PEF or Company) filed a petition requesting approval of a contract for the purchase of firm capacity and energy between PEF and Florida Biomass Energy, LLC (FB Energy). The contract is based on FB Energy constructing, owning, and operating a fluidized bed boiler power production generating Qualifying Facility located in Manatee County, Florida. The facility will use a waste wood and energy crop as its primary fuel to produce approximately 60 megawatts of electricity during a contract term beginning January 1, 2013, through December 31, 2032.

The Commission approved the proposed contract at its December 1, 2009, Agenda Conference and subsequently issued Order No. PSC-09-0852-PAA-EQ on December 30, 2009,

DOCUMENT NUMBER DATE

02120 MAR 25 09

FPSC-COMMISSION CLERK

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## Commission Clerk

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**From:** Commission Clerk  
**Sent:** Thursday, March 25, 2010 3:05 PM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 858128)  
**Attachments:** Recommendation 02120-10.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

090372-EQ

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

December 24, 2009

FPSC, CLK - CORRESPONDENCE  
 Administrative  Parties  Consumer  
DOCUMENT NO. 07249-09  
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John T. Burnett, Esquire  
Progress Energy Florida, Inc.  
106 East College Avenue, Suite 800  
Tallahassee, Florida 32301-7740

**Re: Return of Confidential Document to the Source, Docket No. 090372-EQ**

Dear Mr. Burnett:

Commission staff has advised that confidential Document No. 09824-09, filed on behalf of Progress Energy Florida, Inc., can be returned to the source. The document is enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

Hong Wang  
Management Review Specialist

AC:kmp  
Enclosure

cc: Shevie Brown, Division of Regulatory Analysis  
Jean Hartman, Office of General Counsel

RECEIVED

DATE

1/11/10

Nonnye Grant

PSC-09-0852-PAA-EQ

090372

**From:** Terry Holdnak  
**Sent:** Wednesday, December 30, 2009 8:19 AM  
**To:** CLK - Orders / Notices; Jennifer Brubaker  
**Subject:** Order / Notice Submitted

**Date and Time:** 12/30/2009 8:18:00 AM  
**Docket Number:** 090372-EQ  
**Filename / Path:** 090372.PAA or.jsb.doc

NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING NEGOTIATED PURCHASE POWER CONTRACT

*Terry K. Holdnak*  
Commission Deputy Clerk II  
Office of the General Counsel  
Florida Public Service Commission  
850-413-6738

faxed 1  
mailed 1  
emailed 1

FPSC, CLK - CORRESPONDENCE  
~~X~~Administrative\_Parties\_Consumer  
DOCUMENT NO. 07249.09  
DISTRIBUTION: \_\_\_\_\_



**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 090372**

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Progress Energy Florida, Inc.	EI801	paul.lewisjr@pgnmail.com	No

## Commission Clerk

---

**From:** Commission Clerk  
**Sent:** Wednesday, December 30, 2009 10:39 AM  
**Subject:** Order or Notice issued by the Public Service Commission (Email ID = 531808)  
**Attachments:** 12251-09.pdf

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

**Dorothy Menasco**

---

**From:** Dorothy Menasco  
**Sent:** Wednesday, December 02, 2009 4:28 PM  
**To:** Mary Macko  
**Subject:** RE: OPR Division Assignments

**FPSC, CLK - CORRESPONDENCE**  
 **Administrative**  **Parties**  **Consumer**  
**DOCUMENT NO.** 07249-09  
**DISTRIBUTION:** \_\_\_\_\_

This has been done.

---

**From:** Mary Macko  
**Sent:** Wednesday, December 02, 2009 4:15 PM  
**To:** Dorothy Menasco  
**Subject:** OPR Division Assignments

Dorothy,

Please assign RAD to the OPR Division Assignments in the following dockets:

- 080271
- 090146
- 090162
- 090371
- 090372 ✓
- 090451

Mary

**Dorothy Menasco**

090372

**From:** Dorothy Menasco  
**Sent:** Wednesday, July 22, 2009 11:05 AM  
**To:** Lee Fulcher  
**Subject:** RE: Dkts. 090371-EQ & 090372-EQ

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 07249-09		
DISTRIBUTION: _____		

Hi, Lee,

The OCR has been updated to reflect ECR, per your request.

Dorothy

---

**From:** Lee Fulcher  
**Sent:** Wednesday, July 22, 2009 10:46 AM  
**To:** Dorothy Menasco  
**Subject:** Dkts. 090371-EQ & 090372-EQ

Hi, Dorothy,

In these two dockets, would you please add ECR as OCR.

Thanks,  
Lee

STATE OF FLORIDA



COMMISSIONERS:  
MATTHEW M. CARTER II,  
CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

OFFICE OF COMMISSION  
CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

# ADMINISTRATIVE

July 17, 2009

Progress Energy  
John Burnett  
PO Box 14042  
St. Petersburg, FL 33733

**Re: Docket No. 090372-EQ**

Dear Mr. Burnett:

This will acknowledge receipt of the petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida, which was filed in this office on July 16, 2009, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Office of Commission Clerk

DOCUMENT NUMBER-DATE

07249 JUL 17 8

FPSC-COMMISSION CLERK

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

FPSC, CLK - CORRESPONDENCE  
~~Administrative Parties Consumer~~  
DOCUMENT NO. 67249-09  
DISTRIBUTION: \_\_\_\_\_

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

("O" indicates OPR)

ADM	CLK	(ECR)	GCL	PIF	RCP	SGA	SSC
		X	X				

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A13(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

Current CASR revision level

Due Dates

Previous Current

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_ Commission Panel \_\_\_  
Hearing Examiner \_\_\_ Staff \_\_\_

Date filed with CLK: \_\_\_\_\_

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

("O" indicates OPR)

ADM	CLK	ECR	GCL	PIF	RCP	(SGA)	SSC
		X	X			X	

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A13(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
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FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff S Brown

Current CASR revision level

Due Dates  
Previous Current

Staff Counsel J Hartman

OCRs (ECR) D Lee

Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_\_\_  
Hearing Examiner  Staff \_\_\_\_\_

Date filed with CLK: 07/22/2009

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

1.	Staff Recommendation	NONE	09/02/2009
2.	Agenda	NONE	09/15/2009
3.	PAA Order	NONE	10/05/2009
4.	Consummating Order if No Protest - Close Docket	NONE	10/29/2009
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		
X							

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: CT/MM  
Date: 07/22/2009

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_  
Last Day to Suspend: \_\_\_\_\_

Referred to:	ADM	CLK	ECR	GCL	PIF	RCP	(SGA)	SSC
("C" indicates OPR)			X	X			X	

Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule

Program Module A13(a);A3(a)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	Staff Assignments	Due Dates	Due Dates	
			Previous	Current
<u>S Brown</u>	<input checked="" type="checkbox"/> 1 Current CASR revision level			
	1. Staff Recommendation	09/02/2009	09/24/2009	
	2. Agenda	09/15/2009	10/06/2009	
	3. PAA Order	10/05/2009	10/26/2009	
	4. Consummating Order if No Protest - Close Docke	10/29/2009	11/20/2009	
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<u>J Hartman</u>	8.			
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<u>D Lee</u>	11.			
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Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_  
Hearing Examiner \_\_\_ Staff \_\_\_

Date filed with CLK: 08/18/2009

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		
X							

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: CT/MM  
Date: Pending 8-25-09



Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM CLK ECR GCL PIF RCP (SGA) SSC

("O" indicates OPR)

		X	X			X	
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Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A13(a);A3(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

S Brown

2 Current CASR revision level

Due Dates  
Previous Current

Staff Counsel

J Hartman

OCRs (ECR)

D Lee

Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_\_\_  
Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CLK: 09/15/2009

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

1.	Staff Recommendation	09/24/2009	10/15/2009
2.	Agenda	10/06/2009	10/27/2009
3.	PAA Order	10/26/2009	11/16/2009
4.	Consummating Order if No Protest - Close Docket	11/20/2009	12/10/2009
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		
X							

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

CT / MM  
Pending  
9/21/09

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM	CLK	ECR	GCL	PIF	RCP	(SGA)	SSC
		X	X			X	

("O" indicates OPR)

Section 2 - OPR Completes and returns to

CLK in 10 workdays.

Time Schedule

Program Module A13(a);A3(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

S Brown

3 Current CASR revision level

Due Dates  
Previous Current

Staff Counsel

J Hartman

OCRs (ECR)

D Lee

Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_  
Hearing Examiner \_\_\_ Staff \_\_\_

Date filed with CLK: 10/09/2009

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

1.	Staff Recommendation	10/15/2009	11/17/2009
2.	Agenda	10/27/2009	12/01/2009
3.	PAA Order	11/16/2009	12/21/2009
4.	Consummating Order if No Protest - Close Docket	12/10/2009	01/14/2010
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	AG	SK	NC		
X							

Prehearing Officer

Commissioners					ADM
CT	ED	AG	SK	NC	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: CT/MM  
Date: Pending 10/20/09

Section 1 - Office of Commission Clerks

Docket No. 090372-E0 Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM APA CLK ECR GCL PIF (RAD) SSC

("O" indicates OPR)

			X	X		X	
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Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A13(a);A3(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

Due Dates

OPR Staff	S Brown	3	Current CASR revision level	Due Dates	
				Previous	Current
			1. Revised CASR Due	NONE	03/19/2010
			2.		
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Staff Counsel	J Hartman, J Brubaker		8.		
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OCRs (ECR)	D Lee		11.		
			12.		
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Recommended assignments for hearing and/or deciding this case:			33.		
Full Commission	Commission Panel	X	34.		
Hearing Examiner	Staff		35.		
			36.		
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Date filed with CLK: <u>10/09/2009</u>			39.		
			40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	KL	ST		
		X	X		X		

Prehearing Officer

Commissioners					ADM
AG	ED	SK	KL	ST	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AG/MM  
Date: 10/20/2009

CSRA

# Case Scheduling/Rescheduling Advice

Last Revised 02/05/2010 at 2:23 p.m.

**To:**

<input checked="" type="checkbox"/> Commissioner Edgar	<input checked="" type="checkbox"/> Deputy Executive Director	<input checked="" type="checkbox"/> Economic Regulation
<input checked="" type="checkbox"/> Commissioner Skop	<input checked="" type="checkbox"/> General Counsel	<input checked="" type="checkbox"/> Court Reporter
<input type="checkbox"/> Commissioner Klement	<input type="checkbox"/> Auditing & Performance Analysis	<input checked="" type="checkbox"/> Staff Contact - Shevie Brown
<input checked="" type="checkbox"/> Commissioner Stevens	<input checked="" type="checkbox"/> Commission Clerk	<input type="checkbox"/>
<input checked="" type="checkbox"/> Executive Director	<input checked="" type="checkbox"/> Regulatory Analysis	<input type="checkbox"/>
<input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Service/Safety/Consumer Asst.	<input type="checkbox"/>

**From:** Office of Chairman Nancy Argenziano

**Docket Number:** 090372-EQ -- Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

**1. Schedule Information**

Event	Former Date	New Date	Location / Room	Time
Prehearing Conference		06/14/2010	Tallahassee / E-148	9:30 a. - 11:30 a.
Hearing		06/22/2010	Tallahassee / E-148	9:30 a. - 5:00 p.
Hearing		06/23/2010	Tallahassee / E-148	9:30 a. - 5:00 p.

**2. Hearing/Prehearing Assignment Information**

Former Assignments

**Hearing Officers**

Commissioners						Hearing Exam.	Staff
ALL	AG	ED	SK	KL	ST		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	AG	ED	SK	KL	ST		
			X	X			

**Prehearing Officer**

Commissioners						
AG	ED	SK	KL	ST	ADM	

Commissioners						
AG	ED	SK	KL	ST	ADM	
				X		

**Remarks:**

"Hold" pending OEP.

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_  
Last Day to Suspend: \_\_\_\_\_

Referred to:	ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
("O" indicates OPR)				X	X		X	

Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule

Program Module A13(a);A3(a)

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FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	Staff Assignments	Current CASR revision level	Due Dates	
			Previous	Current
<u>S Brown</u>		<u>4</u>		
	<u>1. Staff Recommendation</u>		<u>SAME</u>	<u>03/25/2010</u>
	<u>2. Agenda</u>		<u>SAME</u>	<u>04/06/2010</u>
	<u>3. Standard Order</u>		<u>SAME</u>	<u>04/26/2010</u>
	<u>4. Close Docket or Revise CASR</u>		<u>SAME</u>	<u>05/14/2010</u>
	<u>5.</u>			
	<u>6.</u>			
	<u>7.</u>			
<u>Staff Counsel</u>	<u>J Hartman, J Brubaker</u>			
	<u>8.</u>			
	<u>9.</u>			
<u>OCRs (ECR)</u>	<u>D Lee</u>			
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	<u>40.</u>			

Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_ Commission Panel X  
Hearing Examiner \_\_\_ Staff \_\_\_

Date filed with CLK: 03/22/2010

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	KL	ST		
		X	X		X		

Prehearing Officer

Commissioners					ADM
AG	ED	SK	KL	ST	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman:  
the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is  
assigned the full Commission decides the case.

Approved: AG/mm  
Date: 03/22/2010

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_  
Last Day to Suspend: \_\_\_\_\_

Referred to:	ADM	APA	CLK	ECR	GCL	PIF	(RAD)	SSC
("C" indicates OPR)				X	X		X	

Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule

Program Module A13(a);A3(a)

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff	Staff Assignments	Current CASR revision level	Due Dates	
			Previous	Current
<u>S Brown</u>		<u>5</u>		
	<u>1. Staff Recommendation</u>		<u>SAME</u>	<u>06/17/2010</u>
	<u>2. Agenda</u>		<u>SAME</u>	<u>06/29/2010</u>
	<u>3. Standard Order</u>		<u>SAME</u>	<u>07/19/2010</u>
	<u>4. Close Docket or Revise CASR</u>		<u>SAME</u>	<u>08/06/2010</u>
	<u>5.</u>			
	<u>6.</u>			
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<u>Staff Counsel</u>	<u>J Crawford</u>			
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<u>OCRs (ECR)</u>	<u>D Lee</u>			
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Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel   
Hearing Examiner  Staff

Date filed with CLK: 06/17/2010

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	AG	ED	SK	C1	C2		
	X	X	X				

Prehearing Officer

Commissioners					ADM
AG	ED	SK	C1	C2	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AG/ MM  
Date: 06/17/2010

Section 1 - Office of Commission Clerk

Docket No. 090372-EQ Date Docketed: 07/16/2009 Title: Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.

Company: FB Energy, LLC  
Progress Energy Florida, Inc.

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM    APA    CLK    ECR    GCL    PIF    (RAD)    SSC

("O" indicates OPR)

			X	X		X	
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Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A13(a);A3(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

S Brown

6 Current CASR revision level

Due Dates  
Previous    Current

Staff Counsel

J Crawford

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel   
Hearing Examiner  Staff

Date filed with CLK: 10/13/2010

Initials OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

		Previous	Current
1.	Funding Group - Amended Petition	SAME	07/21/2010
2.	Staff Recommendation	SAME	10/14/2010
3.	Agenda	SAME	10/26/2010
4.	Standard Order	SAME	11/15/2010
5.	Close Docket or Revise CASR	10/14/2010	01/10/2011
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	SK	GH	BI	NC		
	X	X					

Prehearing Officer

Commissioners					ADM
ED	SK	GH	BI	NC	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: AG/MM  
Date: 10/13/2010