		FPSC, CLK - CORRESPONDENCE Page 1 of 1
		AdministrativePartiesConsumer
		DOCUMENT NO. 07249-09
Ann Co	ole 090372-EQ	DISTRIBUTION:
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.

٠

ORDER NO. PSC-10-0434-FOF-EQ DOCKET NO. 090372-EQ PAGE 5

RECEIVED-FPSC

ignore the essential requirements of the law. Such a substantial departure from controlling clife 39 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 TERK Offer reconsideration of future Commission orders.³

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.⁴ 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.

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

-Typographical error connected by the Commission Clark on 7/9/10, per request of christina stato, commissioner storp's office.

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

Matilda Sanders

From: Sent: To: Cc: Subject:

Date and Time:

Docket Number:

Filename / Path:

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

PSC-10-0685-FOF-EQ

11/15/2010 2:02:00 PM 090372-EQ 090372.Final Order.jsc.doc

FPSC, CLK - CORRESPONDENCE
Vi Administrative Purges Consumer
DOCUMENT NO. 07049-09
DISTRIBUTION:

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

lar 1 mail 2 email 3

D90372-EQ

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.

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

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

FPSC, CLK - CORRESPONDENCE X Adainistrative T Farties () Output or DOCUMENT NO. 07249-09 DISTREEUTION:

090372-EQ

Forted. 1 MALLED. 2 EMAILED. 3

Printed on 10/15/2010 at 8:43:19 AM

State of Florida		Fublic 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 Intereste	d Persons
FROM:	Ann Cole, Commiss	ion Clerk, Office of Commission Clerk

RE: Divice 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 <u>http://www.floridapsc.com</u> 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.

FECENCEPTER



Hublic Serbice Commission

10 OCT 14 All 9: 5

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

-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) (MCar) Division of Regulatory Analysis (S. Brown) (CR)
- **RE:** Docket No. 090372-EQ Petition for approval of negotiated purchase power contract with FB Energy, LLC by Progress Energy Florida.
- 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

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,

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00004 001 14 =

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.

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.

CLK Official Filing****8/19/2010 3:36 PM *****

Matilda Sanders	PSC-10-0533-PCO-EQ	<u>090372-EQ</u>
From:	Gloria Ross	10 FF.
Sent:	Thursday, August 19, 2010 3:37 PM	AUG CE
То:	CLK - Orders / Notices	COMM
Cc:	Jennifer Crawford; Shevie Brown; Terry Holdnak	
Subject:	Order / Notice Submitted	
Date and Time:	8/19/2010 3:31:00 PM	PH
Docket Number:	090372-EQ	O G P
Filename / Path:	I:\2009\090372\090372.Order to Expedite Discovery.jsc.doc	FO
Order Type:	Signed / Hand Deliver	6

Please issue this Order for today's date.

ORDER GRANTING MOTION TO EXPEDITE DISCOVERY

FAXEO -1 EMAILEO -3 MAILEO -2

CLK - CORRESPONDENCE A A LINESTERINE TO PORTING ICAS ACOTORS

1

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.	E1801	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.

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.

Commissioners: Nancy Argenziano, Chairman Lisa Polak Edgar Nathan A. Skop	STATE OF FLORIDA	OG O372-EQ Office of Commission Clerk ANN COLE COMMISSION CLERK (850) 413-6770
Juplie S	Service Commis	FPSC, CLK - CORRESPONDENCE X Administrative Parties I Consumer DOCUMENT NO., 072 49-09 DISTRIBUTION:
John T. Burnett, Esquire Progress Energy Florida, Inc. 106 East College Avenue, Suite 800 Tallahassee, Florida 32301-7740	RECEIVED	Disa Strught 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.

Γ	DOCKET NO(S).	DOCUMENT NO(S).
4	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,
1		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
4	• 090372-EQ	07196-09, 10545-09, 10899-09
Ţ	. 100000-OT	02885-10

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

Sincerely, Km

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

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

5

Matilda Sanders PSC-10-0434-FoF-EQ.

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

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

. CLU - CORREPORTENCE State Market J. Franke (* 1 815 BRA **O**T

090372-EQ

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

faced 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.	E1801	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.

090372

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

faxed 1 mailed 2 emailed 3

PPSC, CLK - CORRESPONDENCE XACHINISTRATIVE TO FISTILA TO CONSULTOR PROCEDULENT NO 07249-09 EVENTION:

090372-EQ

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 🛞 100309-TX 🔊 -090499-EQ ③ 3. 4. +00043-EQ@ 5. 400180-TP 3 faced 4 mailed 6 emailed 19 6. Ø90319-EI 🕄 7. -090447-WS 🕕
- 8. 1090372-EQ 😡

FPSC, CLK - CORRESPONDENCE Administrative___Parties___Consumer DOCUMENT NO. 07249-09 DISTRIBUTION:

FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
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	E1804	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)

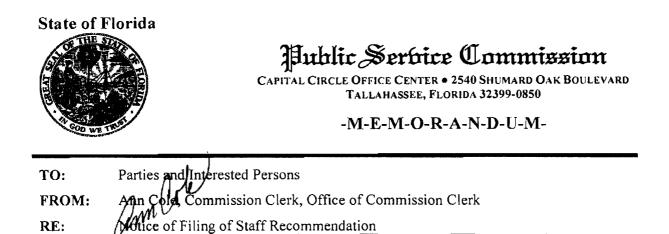
1 . . .

Attachments: JUN29-10.AGN.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.



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 <u>http://www.floridapsc.com</u> 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.

Matilda Sanders PSC-10-0256-FoF-EQ

From: Sent: To: Cc: Subject:

Date and Time: Docket Number:

Filename / Path:

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

4/26/2010 12:08:00 PM 090372-EQ 090372.Order On Motion To Dismiss.jsb.doc

FPSC, CLA - CORRESPONDENCE
Administrative Di Farties D'Consta-
DECUMENT NO. 07249-09
Proceeding and the product of the product of the second s second second s second second se

090372-EQ

ORDER GRANTING MOTION TO DISMISS

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

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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:	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.

09	10	37	12

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

٢	FPSC, CLK - CORRESPONDENCE	
	Parties Consumer	
	DOCUMENT NO. D7249-09	
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090372

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



faxed 1 mailed 2 emailed 3



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 <u>http://www.floridapsc.com</u> 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.



Hublic Service Commission

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

- TO: Office of Commission Clerk (Cole)
- FROM: Office of the General Counsel (Brubaker)
- **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		101	PH:(
PREHEARING OFFICER:	Stevens	COM	HAR 2	CEIVE
CRITICAL DATES:	None	LER	5 PM	0
SPECIAL INSTRUCTIONS:	None	IOH	12: 3	:PSC
FILE NAME AND LOCATION:	S:\PSC\GCL\WP\090372.RCM.DOC		2	•

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,

COCUMENT Nº MPERI CATE

2120 HAR 25 9

FPSC-COMMISSION CLERK

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Commission Clerk

From:	Commission Clerk
Sent:	Thursday, March 25, 2010 3:05 PM
Subject:	Order or Notice issued by the Public Service Commission (Email ID = 858128)
Attachment	s: 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.

090372.ED

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 Serbice Commission

December 24, 2009

FPSC, CLK - CORRESPONDENCE XAdministrative Parties Consumer DOCUMENT NO. 07249.09 DISTRIBUTION:

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

DATE 1/11/16RECEIVED

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Nonnye Grant PSC-09-0852-PAA-EQ

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

Date and Time: Docket Number: Filename / Path: 12/30/2009 8:18:00 AM 090372-EQ 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 l mailed 1 emailed 1

FPSC, CLK - CORRESPONDENCE 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.

Dorothy Menasco

From:Dorothy MenascoSent:Wednesday, December 02, 2009 4:28 PMTo:Mary MackoSubject:RE: OPR Division Assignments

This has been done.

FPSC, CLK - CORRESPONDENCE Administrative_Parties_Consumer DOCUMENT NO.00249-09 DISTRIBUTION:

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:

Mary

090372

Dorothy Menasco

From:Dorothy MenascoSent:Wednesday, July 22, 2009 11:05 AMTo:Lee FulcherSubject:RE: Dkts. 090371-EQ & 090372-EQ

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 FPSC, CLK - CORRESPONDENCE Administrative [] Parties [] Consumer DOCUMENT NO. 07249.09 DISTRIBUTION: 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

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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

ase Assignment and Scheduling Record

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

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* COMPLETED EVENTS

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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.

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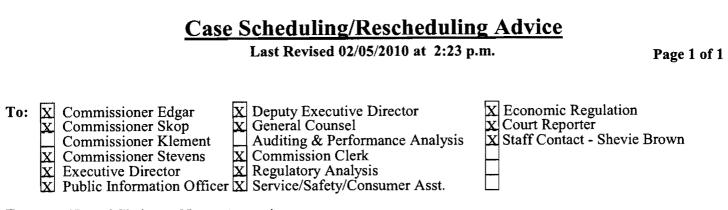
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From: Office of Chairman Nancy Argenziano

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

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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.

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

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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.

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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.

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