

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant Cost
Recovery Clause

Docket No. 090009

Submitted for Filing: March 4, 2009

**PROGRESS ENERGY FLORIDA, INC.'S RESPONSE
TO SAPORITO ENERGY CONSULTANT'S
NOTICE OF INTENT TO RETAIN INTERESTED PARTY STATUS
AND PETITION TO OBTAIN PARTY STATUS**

Progress Energy Florida, Inc. ("PEF") responds to the Notice of Intent to Retain Interested Party Status and Petition to Obtain Party Status ("Notice of Intent and Petition") filed by Thomas Saporito as an individual, and representing Saporito Energy Consultants ("SEC"), as follows.

On February 24, 2009, Mr. Saporito filed the Notice of Intent and Petition as an individual and as a representative of SEC in this docket. Although PEF and the law firm of Carlton Fields, attorneys for PEF, appear on the Certificate of Service, PEF did not receive the filing from Mr. Saporito and was not aware of the filing until it received the response filed by Florida Power & Light ("FPL") yesterday. PEF therefore files this response to the Notice of Intent and Petition. PEF has no objection to the participation of Mr. Saporito or Saporito Energy Consultants as an "interested party." However, to the extent the Notice of Intent and Petition is intended to "obtain party status" by avoiding the rules of intervention, PEF does object.

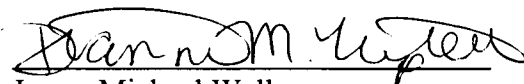
To the extent the "request to obtain party status" is construed as a petition to intervene, such intervention should be denied. The request as filed does not comply with the requirements

for intervention set forth in Section 120.52(12)(b), Florida Statutes, and Rule 25-22.039, F.A.C..
The request "to obtain party status" should therefore be summarily denied for a complete failure to comply with the applicable intervention rule.

WHEREFORE, for all of the foregoing reasons, PEF respectfully requests that the Commission deny the portion of the Notice of Filing and Petition that requests "party status" for Mr. Saporito, as an individual, and representing SEC.

Respectfully submitted this 4th day of March, 2009.

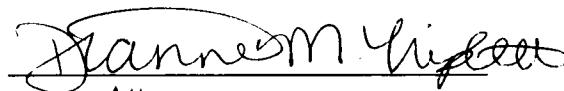
R. Alexander Glenn
General Counsel
John Burnet
Associate General Counsel
PROGRESS ENERGY SERVICE
COMPANY, LLC
Post Office Box 14042
St. Petersburg, FL 33733-4042
Telephone: (727) 820-5587
Facsimile: (727) 820-5519



James Michael Walls
Florida Bar No. 0706242
Dianne M. Triplett
Florida Bar No. 0872431
Matthew R. Bernier
Florida Bar No. 0059886
CARLTON FIELDS, P.A.
Post Office Box 3239
Tampa, FL 33601-3239
Telephone: (813) 223-7000
Facsimile: (813) 229-4133

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 4th day of March, 2009.


Attorney

Mr. Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Avenue, Ste. 800
Tallahassee, FL 32301-7740
Phone: (850) 222-8738
Facsimile: (850) 222-9768
Email: paul.lewisjr@pgnmail.com

Lisa Bennett
Jennifer Brubaker
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee 32399
Phone: (850) 413-6218
Facsimile: (850) 413-6184
Email: lbennett@psc.state.fl.us
jbrubake@psc.state.fl.us

Charles Rehwinkle
Associate Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400
Phone: (850) 488-9330
Email: rehwinkle.charles@leg.state.fl.us

Bryan S. Anderson
Jessica Cano
Florida Power & Light
700 Universe Boulevard
Juno Beach, FL 33408-0420
Phone: (561) 691-7101
Facsimile: (561) 691-7135
Email: bryan.anderson@fpl.com
Jessica.cano@fpl.com

John W. McWhirter
McWhirter Law Firm
400 North Tampa Street, Ste. 2450
Tampa, FL 33602
Phone: (813) 224-0866
Facsimile: (813) 221-1854
Email: jmcwhirter@mac-law.com

James W. Brew
Brickfield Burchette Ritts & Stone, PC
1025 Thomas Jefferson St NW
8th FL West Tower
Washington, DC 20007-5201
Phone: (202) 342-0800
Fax: (202) 342-0807
Email: jbrew@bbrslaw.com

Michael B. Twomey
AARP
Post Office Box 5256
Tallahassee, FL 32305
Phone: (850) 421-9530
Email: Miketwomey@talstar.com

Karin S. Torain
PCS Administration (USA), Inc.
Suite 400
Skokie Blvd.
Northbrook, IL 60062
Phone: (847) 849-4291
Email: KSTorain@potashcorp.com

Thomas Saporito
Saporito Energy Consultants
Post Office Box 8413
Jupiter, FL 33468-8413
Phone: (561) 283-0613
Email: saporito3@gmail.com