Progress Energy

December 17, 2008

The Honorable Charles Terreni
Chief Clerk/Administrative
Public Service Commission of South Carolina
P. O. Drawer 11649
Columbia, South Carolina 29211

RE: Docket No. 2008-400-E

Dear Mr. Terrreni:

Please find enclosed for filing Progress Energy Carolinas, Inc.'s Motion to Dismiss its Motion for Waiver of Commission Rule 103-331.

Very truly yours,

Len S. Anthony/mhm

Len S. Anthony
General Counsel
Progress Energy Carolinas, Inc.

LSA:mhm

Enclosure

Cc: Mr. John Flitter
Mr. Mark D. Taylor

STAREG150

Progress Energy Service Company, LLC
P.O. Box 1551
Raleigh, NC 27602

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2008-400-E

IN THE MATTER OF:

Progress Energy Carolinas, Inc.
Complainant/Petitioner

vs.

Pilgrim's Pride Corporation,
Defendant/Respondent

PROGRESS ENERGY CAROLINAS, INC.'S MOTION TO DISMISS

Pursuant to the Public Service Commission of South Carolina ("the Commission") Rule 103-829, Progress Energy Carolinas, Inc. ("PEC") moves the Commission to dismiss PEC's Motion for Waiver of Rule 103-331 to allow PEC to obtain a security deposit from Pilgrim's Pride Corporation to secure payment of this account.

On October 23, 2008, PEC filed a Motion for Waiver of Commission Rule 103-331 in order to allow PEC to require its customer, Pilgrim's Pride Corporation, to pay a security deposit given the severe financial distress being experienced by Pilgrim's Pride. While initially denying that its financial situation was sufficiently dire to jeopardize payment of its electric bill, on December 5, 2008, Pilgrim's Pride

notified the Commission that it was filing for bankruptcy. As a result, PEC has lost its opportunity to secure the account. Therefore, PEC moves the Commission to dismiss PEC's Motion for Waiver of Rule 103-331.

WHEREFORE, PEC moves the Commission to dismiss PEC's Motion for Waiver of Rule 103-331.

Respectfully submitted this 17th day of December, 2008.

PROGRESS ENERGY CAROLINAS, INC.

Len S. Anthony/mhm

Len S. Anthony
General Counsel
410 S. Wilmington Street (PEB 17A4)
Raleigh, NC 27602
(919) 546-6367