

ORIGINAL

Matilda Sanders

From: Dana Greene [DanaG@hgslaw.com]
 Sent: Wednesday, December 20, 2006 3:06 PM
 To: Filings@psc.state.fl.us
 Cc: ljacobs50@comcast.net; sbrownless@comcast.net; barmstrong@ngn-tally.com; psimms@nrdc.org; Jennifer Brubaker; Katherine Fleming; brett@wildlaw.org; jeanne@wildlaw.org
 Subject: Docket 060635-EU

Attachments: Docket 060635 - Request for Oral Argument on Applicants' Motion to Strike Portions of Testimony & Exhibits filed by NRDC.pdf



Docket 060635 -
 Request for Or...

Electronic Filing

a. Person responsible for this electronic filing:

Gary V. Perko
 Hopping Green & Sams, P.A.
 123 S. Calhoun Street
 Tallahassee, FL 32301
 850-425-2359
 garyp@hgslaw.com

b. Docket No. 060635-EU

In re: Petition To Determine Need For an Electrical Power Plant in Taylor County

c. Document being filed on behalf of Florida Municipal Power Agency, JEA, Reedy Creek Improvement District and City of Tallahassee

d. There are a total of 3 pages.

e. The document attached for electronic filing is a Request for Oral Argument on Applicants' Motion to Strike Portions of Testimony and Exhibits filed by The Natural Resources Defense Council.

Thank you for your cooperation.

Dana Greene, Legal Assistant to
 William H. Green, Gary V. Perko & Virginia C. Dailey Hopping Green & Sams, P.A.
 123 South Calhoun Street
 P.O. Box 6526
 Tallahassee, Florida 32314
 850-425-3437 (direct)
 850-224-8551 (fax)
 danag@hgslaw.com

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Determine Need for
an Electrical Power Plant in Taylor
County by Florida Municipal Power
Agency, JEA, Reedy Creek
Improvement District and City of
Tallahassee

Docket No. 060635-EU

Dated: December 20, 2006

**REQUEST FOR ORAL ARGUMENT
ON APPLICANTS' MOTION TO STRIKE
PORTIONS OF TESTIMONY AND EXHIBITS FILED BY
THE NATURAL RESOURCES DEFENSE COUNCIL**

Florida Municipal Power Agency, JEA, Reedy Creek Improvement District, and City of Tallahassee ("Applicants"), by and through their undersigned attorneys, pursuant to Rule 25-22.058, Florida Administrative Code ("F.A.C."), hereby request the opportunity to present oral argument to the full Commission on their motion for an order striking portions of the testimony and exhibits filed by THE NATURAL RESOURCES DEFENSE COUNCIL. In support, the Applicants state:

1. By motion filed on this same date, the Applicants moved the Commission for an order striking portions of the testimony and exhibits filed by The Sierra Club, Inc., John Hedrick, and Brian Lupiani ("Sierra"). As explained in the Motion, several of the issues raised in Sierra's testimony and exhibits are irrelevant and immaterial to the issues before the Commission in this proceeding. For example, several issues are outside the jurisdiction of this Commission. Interjection of the new and unprecedented issues raised in Sierra's testimony and exhibits into an already technical and complex proceeding would have limited, if any, probative value in resolving the critical issues in this proceeding and would generate unnecessary confusion over the issues in this proceeding. Furthermore, several portions of Sierra's testimony and exhibits contain unsupported and uncorroborated hearsay.

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FPSC-COMMISSION CLERK

2. The Applicants believe that oral argument on the important matters raised in their Motion will assist the Commission in its deliberations by providing a more complete presentation of the matters at issue. Oral argument will also provide the Commission with the opportunity to request clarification of the arguments presented, as necessary.

WHEREFORE, the Applicants respectfully request that the Commission schedule oral argument before the full Commission on their motion to strike certain of Sierra's testimony and exhibits in this proceeding.

Respectfully submitted this 20th day of December, 2006.

HOPPING GREEN & SAMS, P.A.

/s/ Gary V. Perko

Gary V. Perko

Carolyn S. Raepple

Virginia C. Dailey

Hopping Green & Sams, P.A.

123 S. Calhoun Street

Tallahassee, FL 32314

(850) 222-7500 (telephone)

(850) 224-8551 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicants' Request for Oral Argument on the Applicants' Motion to Strike Portions of Testimony and Exhibits Filed by The Natural Resources Defense Council in Docket No. 060635-EU was served upon the following by electronic mail(*) or U.S. Mail(**) on this 20th day of December, 2006:

Brian P. Armstrong, Esq.*
7025 Lake Basin Road
Tallahassee, FL 32312

Jennifer Brubaker, Esq.*
Katherine Fleming, Esq.*
Legal Division
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

E. Leon Jacobs, Jr. *
Williams, Jacobs & Associates, LLC
P.O. Box 1101
Tallahassee, Florida 32302

Jeanne Zokovitch Paben*
Brett M. Paben*
WildLaw
1415 Devils Dip
Tallahassee, FL 32308-5140

Suzanne Brownless*
1975 Buford Boulevard
Tallahassee, Florida 32308

Patrice L. Simms*
Natural Resources Defense Council
1200 New York Ave., NW, Suite 400
Washington, DC 20005

Harold A. McLean, Esq.**
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Valerie Hubbard, Director**
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Buck Oven**
Michael P. Halpin
Department of Environmental Protection
2600 Blirstone Road MS 48
Tallahassee, FL 32301

//S//Gary V. Perko

Attorney