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September 3, 2010

VIA ELECTRONIC FILING

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 100009-EI – Nuclear Cost Recovery Clause

Dear Ms. Cole:

On behalf of Mr. Rajiv S. Kundalkar, please find attached a Request for Oral Argument on His Motion to Quash Subpoena and Request for Determination by the Full Commission for the above-referenced docket.

Your assistance in this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Feil". The signature is stylized and cursive.

Matthew Feil

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF FLORIDA**

In re:

Nuclear Cost Recovery Clause

Docket No. 100009-EI

Filed: September 3, 2010

**RAJIV KUNDALKAR'S REQUEST FOR ORAL ARGUMENT
ON HIS MOTION TO QUASH SUBPOENA AND
REQUEST FOR DETERMINATION BY THE FULL COMMISSION**

Pursuant to Rule 25-22.0022, Florida Administrative Code, Mr. Rajiv S. Kundalkar hereby requests oral argument on his Motion To Quash Subpoena and Request For Determination By Full Commission ("Motion"). Oral argument will aid in the Commission's understanding and evaluation of the issues to be decided as follows:

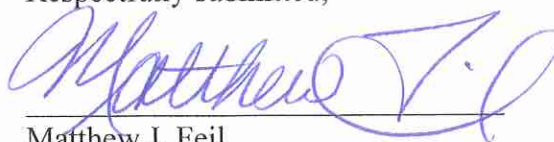
1. Oral argument would allow counsel for Mr. Kundalkar to further explain and discuss the legal standards for granting a motion to quash a subpoena seeking to compel the appearance of a non-party, private citizen residing in the state.¹
2. Oral argument would allow counsel for Mr. Kundalkar to further discuss the numerous legal defects of the subpoena and the broader policy and jurisdictional issues of compelling appearance of private citizens who are not employed by a regulated entity and who undertake no voluntary role in the regulated entity's affairs or in matters before this Commission.
3. It is believed this is a matter of first impression for the Commission, involving the subpoena of a private citizen with no unique or special knowledge of the matters before the

¹ See *In re: Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by NPCR, Inc. d/b/a Nextel Partners*, Docket No. 070368-TP; Order No. PSC-08-0415-FOF-TP; 2008 Fla. PUC Lexis 248 at *8, 08 FPSC 6:115 (June 23, 2008) (granting request for oral argument that would aid the Commission in "understanding and evaluating the legal bases" of the relief sought).

Commission in a proceeding where the Commission's authority does not require compelling the citizen's appearance.

WHEREFORE, movant Rajiv S. Kundalkar requests oral argument of five (5) minutes on his Motion at the Commission's convenience.

Respectfully submitted,



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Thomas A. Range
Akerman Senterfitt
106 East College Avenue
Suite 1200
Tallahassee, FL 32301

Attorneys for Rajiv S. Kundalkar

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 3rd day of September, 2010.

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Federal Executive Agencies Shayla L. McNeill, Capt, USAF c/o AFLSA/JACL-ULT 139 Barnes Drive, Suite 1 Tyndall AFB, FL 32403-5319 850-283-6663 shayla.mcneill@tyndall.af.mil	Florida Industrial Power Users Group John W. McWhirter, Jr. c/o McWhirter Law Firm Post Office Box 3350 Tampa, FL 33601 813-505-8055 jmcwhirter@mac-law.com
Florida Power & Light Company Bryan S. Anderson/Jessica Cano 700 Universe Boulevard Juno Beach, FL 33408-0420 561-691-5253 Anderson@fpl.com	Gary A. Davis & Associates Gary A. Davis/James S. Whitlock Post Office Box 649 Hot Springs, NC 28743 gadavis@enviroattorney.com
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By: 
Matthew Feil