

Matilda Sanders

From: Woods, Monica <WOODS.MONICA@leg.state.fl.us>
Sent: Wednesday, May 01, 2013 4:05 PM
To: Filings@psc.state.fl.us
Cc: 'Gamba, Blaise N.'; Rehwinkel, Charles; 'Dianne Triplett'; Saylor, Erik; 'F. Alvin Taylor'; 'James Brew'; 'John Burnett'; 'Jon C. Moyle Jr.'; Keino Young; 'Bernier, Matthew R.'; Michael Lawson; 'Walls, J. Michael'; 'Myndi Qualls'; 'Paul Lewis Jr.'; 'Schef Wright'; Lee Eng Tan; 'jcostello@carltonfields.com'; Saylor, Erik; Rehwinkel, Charles; Kelly, JR
Subject: Letter to John Burnett - Deponents
Attachments: Letter to John Burnett - deponents.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 100437-EI

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 3 pages.

e. The document attached for electronic filing is: Letter to John Burnett - Deponents

Thank you for your attention and cooperation to this request.

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WILL WEATHERFORD
*Speaker of the House of
Representatives*

May 1, 2013

John T. Burnett
Duke Energy Florida
P.O. Box 14042
St. Petersburg, FL 33733-4042

Re: Docket No. 100437-EI; Prudence Associated NEIL claim relative to the CR3 Delaminations

Dear John:

In preparation for the testimony that will be needed in this case, and given the very short timeframe for conducting discovery, the Public Counsel requests that Duke Energy Florida, Inc. (Duke) make available the individuals listed below and indicate your willingness to make them available in the time frame of May 20, 2013 through July 3, 2013. The OPC makes this request based on the information that the individuals have related to the issues of Duke's pursuit of the claim(s) for insurance payments related to the CR3 delaminations as described in the attached table (excerpted from page 7 of your April 26, 2013 reply brief).

While we recognize that not all of the individuals are employees of Duke, all were or are vendors or retirees of Duke or its affiliates. We have attempted to list the deponents in the order of importance with respect to timeliness. However, it should be noted that all of the prospective deponents are at a minimum critical to the case and the OPC must have an opportunity to interview them in deposition in order to test the prudence of Duke's decisions and actions.

The Public Counsel is requesting subpoenas from the Office of Commission Clerk for the individuals listed with an asterisk (*). I am requesting your assistance in making them available and to that end would request that you indicate your willingness to accept service in lieu of personal service for each of the individuals so noted with an (*).

This list is preliminary and will likely expand as further information is evaluated. The individuals to be deposed are the following (and some aspect of their relevance is indicated based on OPC's belief and information):

DOCUMENT NUMBER DATE

02405 MAY-1 2013

FPSC-COMMISSION CLERK

May 1, 2013

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1. Gary Little – Duke Risk Management manager
2. Mike Delowery – CR3 repair project manager
3. Alex Glenn – Duke Energy Florida State President and former General Counsel
4. Garry Miller – Duke VP and responsible for CR3 repair
5. Dhiaa Jamil – Duke Chief Nuclear Officer
6. Jon Franke* -- Former CR3 Station VP
7. John Elnitsky – Duke VP
8. Bill Johnson* -- Former Progress Energy and Duke Energy CEO
9. Jeff Lyash* -- Former Duke Executive VP and former Progress Energy Florida President
10. John McArthur* -- Former Duke Executive VP
11. Jim Rogers – Current Duke Energy Chairman, President and CEO
12. Jim Reisch – Duke Director
13. David Ripsom (NEIL) – NEIL CEO
14. Ken Manne (NEIL) – NEIL Executive and General Counsel
15. Vincent Dolan* -- Former Progress Energy Florida President
16. Javier Portuondo – Duke Regulatory Accounting
17. Mark Mulhern* -- Former Progress CFO
18. John D. Baker, II* - Former Duke Director
19. Theresa Stone* -- Former Duke Director
20. Ann Maynard Gort Gray – Duke Managing Director
21. Michael Browning – Duke Director
22. Julie Moran (NEIL)* -- Senior Claims Coordinator

This letter is being sent to begin a dialogue on how the OPC can both interview individuals vital to the parties and the Commission understanding key facts in this NEIL aspect of the case and maintain the schedule that has been established by the Third OEP (issued April 26, 2013). The above individuals have important information and the timely availability of the individuals will have an essential bearing on the ability of the OPC and other Intervenors to properly and adequately prepare testimony and even have chance to meet what we believe to be an extremely challenging schedule.

Please advise at your earliest convenience when we can discuss Duke's willingness to make these individuals available so that notices can be prepared (or subpoenas issued) and the associated logistics can be arranged.

Thank you for your consideration. I look forward to discussing this matter with you.

Sincerely,



Charles J. Rehwinkel
Deputy Public Counsel

Attachment

cc: parties of record; docket file

ATTACHMENT

Intervenor Assertion	Page in Joint Brief	PEF Position
The Commission can consider the NEIL policies.	12	PEF Agrees.
The Commission can consider invoices and documents submitted to NEIL.	12	PEF Agrees.
The Commission can consider PEF's course of dealing with NEIL.	12	PEF Agrees.
The Commission can consider interactions at all corporate levels between PEF and NEIL.	12	PEF Agrees.
The Commission can consider PEF's overall corporate motivation for accepting the NEIL settlement.	12	PEF Agrees.
The Commission can consider the impact of the merger on PEF's motivation for accepting the NEIL settlement.	12	PEF Agrees.
The Commission can consider insurance recovery strategies that PEF did not pursue in resolving its claims with NEIL.	12	PEF Agrees.
The Commission can consider how insurance claims were processed.	12	PEF Agrees.
The Commission can consider the amount received from NEIL relative to the policy limits.	12	PEF Agrees.
The Commission can consider whether the insurance claims were handled properly.	12	PEF Agrees.
The Commission can consider why NEIL stopped making payments to PEF.	13	PEF Agrees.
The Commission can consider why PEF made public statements about full applicability of the policy limits in conjunction with the ultimate amount received from NEIL.	13	PEF Agrees.
The Commission can consider the nature of the NEIL policy provisions and policy changes over time.	13	PEF Agrees.
The Commission can consider the relationship between PEF and NEIL.	13	PEF Agrees.