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Sent: Monday, June 03, 2013 3:50 PM
To: Filings@psc.state.fl.us
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Subject: FW: Electronic Filing Docket 100437-EI
Attachments: 100437-EI Joint Motion for Temporary Stay and Extension of Deadlines in 3rd OEP_1.pdf

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 Duke Energy Florida, Inc.

d. There are a total of five (5) pages.

e. The document attached for electronic filing is: Joint Motion of the Parties for a Temporary Stay and Extension of Deadlines in the Third Order Establishing Procedure.

Thank you for your attention to this request.

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DOCUMENT NUMBER-DATE

03047 JUN-3 2013

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO.: 100437-EI

Filed: June 3, 2013

JOINT MOTION OF THE PARTIES FOR A TEMPORARY STAY AND EXTENSION OF DEADLINES IN THE THIRD ORDER ESTABLISHING PROCEDURE

The Parties -- Duke Energy Florida, Inc. ("DEF" or the "Company"), the Office of Public Counsel ("OPC"), the Florida Retail Federation ("FRF"), the Florida Industrial Power Users Group ("FIPUG"), and PCS Phosphate d/b/a White Springs ("White Springs") – jointly move the Florida Public Service Commission (the "Commission") for a temporary stay and extension of deadlines in the Third Order Establishing Procedure ("Third OEP") issued April 26, 2013, and as grounds therefore state:

1. The Third OEP established a schedule for the issues to be determined in this proceeding, commencing with DEF filing its testimony and exhibits on June 17, 2013, the Intervenors filing their testimony and exhibits on September 9, 2013, with Staff testimony and exhibits due on September 16, followed by rebuttal testimony and exhibits on October 1, prehearing statements and conference on October 1 and 14 respectively, a discovery deadline of October 14, and a final hearing on October 21-23, 2013. Since issuance of the Third OEP, the parties have been working diligently to identify issues and prepare their cases to meet these deadlines.

2. Despite the parties' and Commission Staff's best efforts, there remain several disputed issues that must be resolved for purposes of the parties' testimony and exhibits in this proceeding. To this end, Commission Staff noticed another issues conference for June 13, 2013. This issues conference is just four days before DEF's

testimony and exhibits must be filed under the Third OEP, therefore, potentially providing insufficient time to address or resolve the issues to be addressed in this proceeding prior to that deadline. Accordingly, the parties request this stay of forty five (45) days in order to provide the parties sufficient time to further address and resolve and, therefore, narrow the issues to be addressed in this proceeding.

3. Additionally, Intervenors have diligently sought to comply with the Third OEP by taking discovery in this proceeding. Intervenors continue to serve written discovery requests on DEF and DEF is complying with those requests. OPC also has notified DEF of its intent to take depositions of individuals both within and outside DEF's control, diligently pursued subpoenas for those individuals outside DEF's control, and worked with DEF on scheduling the depositions deemed necessary by OPC and the other Intervenors. Despite Intervenors' and DEF's good faith efforts to comply with this discovery, in particular the deposition requests, there are issues that prevent the parties from timely completing this discovery within the current, near term schedule in the Third OEP. To explain further, significant time is required to issue subpoenas and coordinate depositions among all the parties and Staff for individuals beyond DEF's control. Additionally, pending disputes with respect to attorney-client and work product privileged material, presently before the Commission on OPC's motion to compel which has not yet been resolved, and mediation settlement privileged material, impact the timing of depositions, potentially requiring multiple depositions of the same individuals depending on the resolution of these disputed issues. These issues, despite the parties' best efforts, impact their ability to timely complete discovery and file testimony in accordance with the Third OEP. Accordingly, for this additional reason the parties

jointly move the Commission to stay the proceeding for 45 days in order for the parties to narrow or resolve disputed discovery issues and narrow the number or resolve the timing for depositions to more effectively prepare their cases.

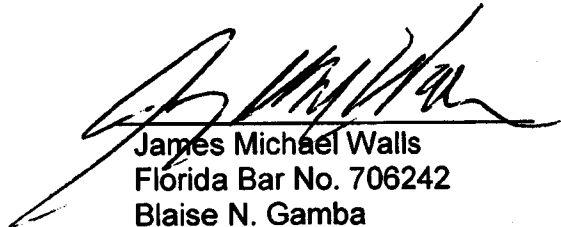
4. The parties represent that this motion for a 45-day stay of this docket and extension of deadlines for the parties and staff is not made to delay the resolution of the issues in this proceeding. Instead, the parties represent that the motion is necessary for the parties to work together to narrow the issues and stream-line the discovery necessary for the parties to present their testimony and exhibits on the issues in this proceeding. The parties further represent that the motion will aid all parties and the Commission in minimizing the resources needed to more efficiently resolve the issues in this proceeding.

5. The parties specifically request a 45-day stay of this docket and a 45-day extension of all the deadlines for discovery and testimony in the Third OEP, as well as the deadline for DEF to produce attorney/client and work product privileged documents to the Commission for review as ordered in PSC-13-0232-PCO-EI . The parties further request that the deadlines for the prehearing statements, prehearing conference, and hearing be reset to a time to be determined after the requested stay. The parties believe that the requested stay and extension will allow them to focus their efforts exclusively to narrowing the issues, coordinating and agreeing to depositions and other discovery, and potentially resolving their discovery disputes. For all these reasons, the parties jointly move the Commission to grant the relief requested in this motion. DEF represents that it is authorized by all the Intervenor parties to file this motion on all the parties' behalf.

WHEREFORE, the parties respectfully request a 45-day stay of this docket and a 45-day extension of all the deadlines for discovery and testimony in the Third OEP, as well as the deadline for DEF to produce attorney/client and work product privileged documents to the Commission for review as ordered in PSC-13-0232-PCO-EI . The parties further request that the deadlines for the prehearing statements, prehearing conference, and hearing be reset to a time to be determined after the requested stay.

Respectfully submitted,

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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 3rd day of June, 2013.

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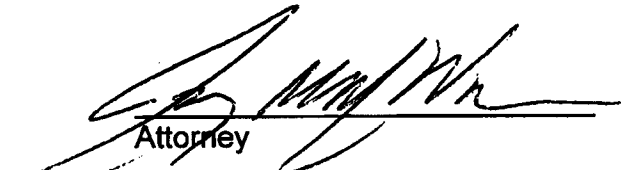
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