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Sent: Wednesday, June 19, 2013 2:32 PM
To: Filings@psc.state.fl.us
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Subject: Docket 100437 Electronic Filing
Attachments: Dkt 100437 DEF 2d Motion of Parties for Temporary Stay.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 Duke 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: Second Joint Motion of the Parties for a Temporary Stay and Extension of Deadlines in the Third Order Establishing Procedure as Amended by Order No. PSC-13-0257-PCO-EI and Order No. PSC-13-0283-PCO-EI.

Thank you for your attention to this request.

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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 19, 2013

SECOND JOINT MOTION OF THE PARTIES FOR A TEMPORARY STAY AND EXTENSION OF DEADLINES IN THE THIRD ORDER ESTABLISHING PROCEDURE AS AMENDED BY ORDER NO. PSC-13-0257-PCO-EI AND ORDER NO. PSC-13-0283-PCO-EI

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, as amended by Commission Order Nos. PSC-13-0257-PCO-EI and PSC-13-0283-PCO-EI, 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. The parties jointly moved the Commission on June 3, 2013 to temporarily stay the proceeding for 45 days and to extend these deadlines for the reasons more fully explained in that joint motion. On June 10, 2013, the Commission granted in part and denied in part the parties' joint motion in Order No. PSC-13-0257-PCO-EI, extending

the deadline for the Company to file testimony and exhibits to June 28, 2013 and extending the deadline for the Company to furnish documents for in camera review pursuant to Order No. PSC-13-0232-PCO-EI to June 14, 2013. OPC subsequently moved the Commission to stay compliance with Order No. PSC-13-0232-PCO-EI, while the parties worked to resolve issues addressed by the Order, which the Commission granted on June 17, 2013 in Order No. PSC-13-0283-PCO-EI. Since issuance of the Third OEP, and the referenced Orders amending certain deadlines in and subsequent to the Third OEP, the parties have continued to work diligently with Commission Staff to identify and resolve or narrow the disputed issues in this proceeding to prepare their cases to meet the amended deadlines.

2. The parties' and Commission Staff have made progress identifying the issues and resolving any disputed issues in order for the Company and the intervener parties to prepare their cases in this proceeding. Presently, there remain few disputed issues that must be resolved for purposes of the parties' preparation of testimony and exhibits in this proceeding and they likely will be soon resolved by additional conferences between the parties and Commission Staff. Additionally, the parties have continued to work on and have made progress on the resolution of disputes with respect to attorney-client and work product privileged material, as represented by OPC in its motion to stay consideration of its motion to compel and compliance with Order No. PSC-13-0232-PCO-EI, which was granted by the Commission in Order No. PSC-13-0283-PCO-EI, and other OPC discovery. Despite the parties' best efforts, and the progress that the parties have made to date, there remain some disputed issues and discovery to resolve that impact their ability to timely complete discovery and file

testimony in accordance with the Third OEP, as amended. Accordingly, the parties request a more limited stay of thirty (30) days in order to provide the parties sufficient time to further address and resolve and, therefore, narrow the issues and discovery disputes to be addressed in this proceeding.

3. The parties represent that this motion for a more limited 30-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 continue 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.

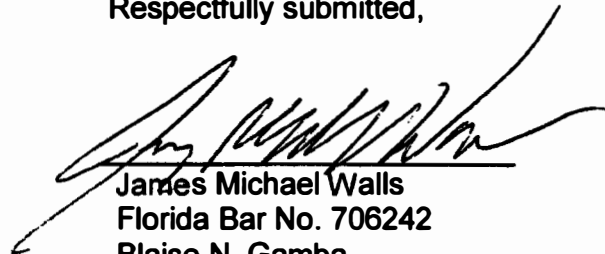
4. Accordingly, the parties specifically request a 30-day stay of this docket and a 30-day extension of all the deadlines for discovery and testimony in the Third OEP, as amended by Commission Order Nos. PSC-13-0257-PCO-EI and PSC-13-0283-PCO-EI. The parties further request that the deadlines for the 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 finalizing the issues, coordinating and agreeing to depositions and other discovery, and potentially resolving their remaining 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 OPC, White Springs, and FIPUG to file this motion on their behalf. While DEF was unable to

reach FRF prior to filing this motion, FRF agreed to and authorized DEF to file the first joint motion to stay on its behalf and DEF understands that FRF still supports that request and thus, by implication, would support this one as well.

WHEREFORE, the parties respectfully request a 30-day stay of this docket and a 30-day extension of all the deadlines for discovery and testimony in the Third OEP, as amended by Commission Order Nos. PSC-13-0257-PCO-EI and PSC-13-0283-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 19th day of June, 2013.

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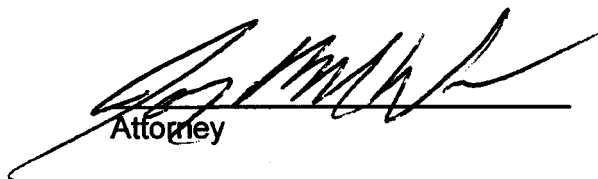
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