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 Sent: Wednesday, December 20, 2006 3:09 PM  
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 Subject: Docket 060635-EU

ORIGINAL

Attachments: Docket 060635 - Request for Oral Argument on Applicants' Motion to Strike Portions of Testimony & Exhibits filed by The Sierra Club, Hedrick, & Lupiani.pdf



Docket 060635 -  
 Request for Or...

Electronic Filing

a. Person responsible for this electronic filing:

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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 Sierra Club, Inc., John Hedrick, and Brian Lupiani.

Thank you for your cooperation.

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DOCUMENT NUMBER-DATE

11636 DEC 20 06

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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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

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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 SIERRA CLUB, INC., JOHN HEDRICK, AND BRIAN LUPIANI**

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 SIERRA CLUB, INC., JOHN HEDRICK, AND BRIAN LUPIANI. 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

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this proceeding. Furthermore, several portions of Sierra's testimony and exhibits contain unsupported and uncorroborated hearsay.

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  
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**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 Sierra Club, Inc., John Hedrick, and Brian Lupiani in Docket No. 060635-EU was served upon the following by electronic mail(\*) or U.S. Mail(\*\*) on this 20th day of December, 2006:

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