

Matilda Sanders

ORIGINAL

**From:** ROBERTS.BRENDA [ROBERTS.BRENDA@leg.state.fl.us]  
**Sent:** Monday, January 08, 2007 11:13 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Bill Walker; Brenda Irizarry; cecilia\_bradley@oag.state.fl.us; Cheryl Martin/Florida Public Utilities Company; Dianne Triplett; gsasso@carltonfields.com; jack\_shreve@oag.state.fl.us; James W. Brew; Jeffrey A. Stone; John Rogers; Karin S. Torain; Paul Lewis; POUCHER.EARL; Susan D. Ritenour; CHRISTENSEN.PATTY; damund williams; John Burnette; John McWhirter; John\_Butler@fpl.com; karen white; Lee Willis; Lisa Bennett; McGLOTHLIN.JOSEPH; MERCHANT.TRICIA; Mike Twomey; Norman H. Horton; R. Alexander Glenn; Schef Wright; Tim Perry; Wade Litchfield  
**Subject:** e-filing (Dkt. Nos. 060001-EI & 070001-EI)  
**Attachments:** 060001 OPC Request for Oral Argument.sversion.doc

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Electronic Filing

a. Person responsible for this electronic filing:

Charles J. Beck, Deputy Public Counsel  
 Office of Public Counsel  
 c/o The Florida Legislature  
 111 West Madison Street, Room 812  
 Tallahassee, FL 32399-1400  
 (850) 488-9330  
 beck.charles@leg.state.fl.us

b. Docket No. 060001-EI & Docket No. 070001-EI

In re: Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive.

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

d. There are a total of 4 pages.

e. The document attached for electronic filing is Citizens' Request for Oral Argument.

(See attached file: 060001 OPC Request for Oral Argument.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts  
 Secretary to Charles J. Beck, Deputy Public Counsel.  
 Office of Public Counsel  
 Telephone: (850) 488-9330  
 Fax: (850) 488-4491

DOCUMENT NUMBER-DATE

00163 JAN-8 5

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Fuel and Purchased Power            )  
Cost Recovery Clause with                    )  
Generating Performance Incentive         )  
\_\_\_\_\_)

Docket No. 060001-EI  
Docket No. 070001-EI  
Filed January 8, 2007

**Citizens' Request for Oral Argument**

Pursuant to Rule 25-22.058, Florida Administrative Code, the Citizens of Florida, through Harold McLean, Public Counsel, request the opportunity to present oral argument on the Citizens' Motion for Clarification and Reconsideration of Order No. PSC-06-1057-FOF-EI which accompanies this request.

Oral argument will aid the Commission in comprehending and evaluating a possible unintended consequence of its order. The order could be read to change an issue in the case from one of responsibility by Florida Power and Light Company for an extended outage at its Turkey Point nuclear facility to one of prudence, even though no party argued to the Commission that the issue should be limited in this manner. The Commission has broad authority and responsibility under chapter 366, Florida Statutes, to set rates which are fair, just and reasonable. While the company's prudence is one aspect of whether rates are fair, just and reasonable, the term "fair, just and reasonable" is broader than just prudence. Oral argument will assist the Commission in distinguishing between the two concepts.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

In addition, oral argument will assist the Commission in comprehending and evaluating the company's burden of proof in this proceeding and determining what action it should take when FPL fails to meet that burden.

Respectfully submitted,

HAROLD MCLEAN  
PUBLIC COUNSEL

s/ Charles J. Beck  
Charles J. Beck  
Deputy Public Counsel  
Florida Bar No. 217281

Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330

Attorney for Florida's Citizens

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 8<sup>th</sup> day of January, 2007, to the following:

James Beasley  
Lee Willis  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302

John McWhirter, Jr.  
McWhirter, Reeves Law Firm  
400 North Tampa St., Suite 2450  
Tampa, FL 33602

Bill Walker  
Florida Power & Light Co.  
215 S. Monroe St., Suite 810  
Tallahassee, FL 32301-1859

R. Wade Litchfield, Esq.  
Florida Power & Light Co.  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Paul Lewis  
Progress Energy Florida, Inc.  
106 E. College Ave., Suite 800  
Tallahassee, FL 32301-7740

Susan D. Ritenour  
Richard McMillan  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Tim Perry  
McWhirter Law Firm  
117 South Gadsden St.  
Tallahassee FL 32301

Norman H. Horton, Jr.  
Messer Law Firm  
Post Office Box 15579  
Tallahassee, FL 32317

John T. Butler, Esq..  
Florida Power & Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

Brenda Irizarry  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33602-0111

Lisa Bennett  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Jeffery A. Stone  
Russell Badders  
P.O. Box 12950  
Pensacola, FL 32591

Lieutenant Colonel Karen White  
Captain Damund Williams  
Federal Executive Agencies  
139 Barnes Drive, Suite 1  
Tyndall AFB, FL 32403-5319

Cheryl Martin  
Florida Public Utilities Company  
P.O. Box 3395  
West Palm Beach, FL 33402-3395

John T. Burnett  
Post Office Box 14042  
St. Petersburg, FL 33733

Gary Sasso  
J. Walls  
D. Triplett  
Carlton Fields Law Firm  
P.O. Box 3239  
Tampa, FL 33601-3239

Cecilia Bradley  
Senior Assistant Attorney General  
Office of the attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, NW  
Eighth Floor, West Tower  
Washington, DC 20007-5201

Florida Retail Federation  
100 E. Jefferson Street  
Tallahassee, FL 32301

Michael B. Twomey  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Robert Scheffel Wright  
Young van Assenderp, P.A.  
225 S. Adams St., Ste. 200  
Tallahassee, FL 32301

Jack Shreve  
Senior General Counsel  
Office of the Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050

Karin S. Torain  
PCS Administration (USA), Inc.  
Suite 400  
Skokie Boulevard  
Northbrook, IL 60062

s/ Charles J. Beck  
Charles J. Beck  
Deputy Public Counsel