

Diamond Williams

110009-EI

From: Garcia, Nicki [NGarcia@gunster.com]
Sent: Tuesday, April 12, 2011 3:36 PM
To: Filings@psc.state.fl.us
Cc: Feil, Matthew
Subject: Electronic Filing - Docket No. 110009-EI
Attachments: 20110412152237729.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

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Docket Name and Number: Docket No. 110009-EI – Nuclear Cost Recovery Clause

Filed on Behalf of: Rajiv S. Kundalkar

Total Number of Pages: 5

Description of Documents: Request for Oral Argument on Motion to Quash Subpoena and Notices for Deposition.

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DOCUMENT NUMBER - DATE

02435 APR 12 =

FPSC-COMMISSION CLERK

4/12/2011

April 12, 2011

VIA ELECTRONIC FILING

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Docket No. 110009-EI - Nuclear Cost Recovery Clause

Dear Ms. Cole:

On behalf of Mr. Rajiv S. Kundalkar, please find attached a Request for Oral Argument on his Motion to Quash Subpoena and Notices for Deposition for the above-referenced docket.

Your assistance in this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Matthew J. Feil

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF FLORIDA**

In re: _____)
Nuclear Cost Recovery Clause)
_____)

Docket No. 110009-EI
Filed: April 12, 2011

**RAJIV KUNDALKAR'S REQUEST FOR ORAL ARGUMENT
ON HIS MOTION TO QUASH SUBPOENA AND NOTICES FOR DEPOSITION**

Pursuant to Rule 25-22.0022, Florida Administrative Code, Mr. Rajiv S. Kundalkar hereby requests oral argument on his Motion To Quash Subpoena and Notices For Deposition ("Motion"). Oral argument will aid in the Commission's understanding and evaluation of the issues to be decided as follows:

1. As noted in the Motion, it is believed this is a matter of first impression for the Commission, involving the subpoena of a private citizen with no special knowledge of matters before the Commission, in a proceeding where the circumstances do not necessitate compelling the citizen's appearance. Cases of first impression, and particularly those with broad policy and jurisdictional implications like a ruling on the instant Motion, should be heard at oral argument.

2. Oral argument would allow counsel for Mr. Kundalkar to further explain and discuss the legal standards applicable to the Commission's enforcing a subpoena to compel the appearance of a non-party, private citizen residing in the state for a deposition.¹

3. Oral argument would allow counsel for Mr. Kundalkar to further explain the numerous legal defects of the subpoena in question and the broader policy and jurisdictional issues of compelling appearance of private citizens who are not employed by a regulated entity

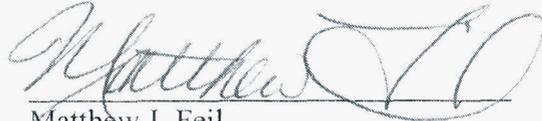
¹ See e.g., In re: Notice of adoption of existing interconnection agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Sprint Communications Company Limited Partnership, Sprint Communications Company L.P., Sprint Spectrum L.P., by NPCR, Inc. d/b/a Nextel Partners, Docket No. 070368-TP; Order No. PSC-08-0415-FOF-TP; 2008 Fla. PUC Lexis 248 at *8, 08 FPSC 6:115 (June 23, 2008) (granting request for oral argument that would aid the Commission in "understanding and evaluating the legal bases" of the relief sought).

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or any party in interest and who undertake no voluntary role in the regulated entity's affairs or in matters before this Commission.

WHEREFORE, movant Rajiv S. Kundalkar requests oral argument of fifteen (15) minutes on his Motion at the Commission's convenience.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Matthew J. Feil", written over a horizontal line.

Matthew J. Feil
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Attorney for Rajiv S. Kundalkar

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and/or U.S. Mail on this 12th day of April, 2011, to the following:

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