

Diamond Williams

110009-EI

**From:** Bruette Davis [bdavis@kagmlaw.com]  
**Sent:** Wednesday, May 25, 2011 11:10 AM  
**To:** Filings@psc.state.fl.us  
**Cc:** Keino Young; mbernier@carltonfields.com; McGLOTHLIN.JOSEPH; jwb@bbrslaw.com; mfeil@gunster.com; mwalls@carltonfields.com; bhuhta@carltonfields.com; bryan.anderson@fpl.com; jessica.cano@fpl.com; john.burnett@pgnmail.com; karen.white@tyndall.af.mil; sayler.erik@leg.state.fl.us; Charles Rehwinkel  
**Subject:** Docket No. 110009-EI; Nuclear Cost Recovery  
**Attachments:** Agreed Motion to Start PEF Nuclear Case on Date Certain 5.25.11.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

- a. The name, address, telephone number and email for the person responsible for the filing is:
  - Jon C. Moyle, Jr.
  - Keefe Anchors Gordon & Moyle
  - 118 North Gadsden Street
  - Tallahassee, FL 32301
  - (850) 681-3828
  - [vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)
- b. This filing is made in Docket No. 110009-EI.
- c. The document is filed on behalf of the Florida Industrial Power Users Group.
- d. The total pages in the document are 4 pages.
- e. The attached document is Agreed Motion for Progress Energy Florida to Begin Hearing on Date Certain of August 22, 2011.

Bruette Davis  
[bdavis@kagmlaw.com](mailto:bdavis@kagmlaw.com)



Keefe, Anchors, Gordon and Moyle, P.A.  
 The Perkins House  
 118 N. Gadsden St.  
 Tallahassee, FL 32301  
 850-681-3828 (Voice)  
 850-681-8788 (Fax)  
[www.kagmlaw.com](http://www.kagmlaw.com)

The information contained in this e-mail is confidential and may be subject to the attorney client privilege or may constitute privileged work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the agent or employee responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you receive this e-mail in error, please notify us by telephone or return e-mail immediately. Thank you.

DOCUMENT NUMBER-DATE  
 03667 MAY 25 =  
 FPSC-COMMISSION CLERK

5/25/2011

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Cost Recovery  
Clause

Docket No: 110009-EI  
Filed: May 25, 2011

**AGREED MOTION FOR PROGRESS ENERGY FLORIDA TO BEGIN  
HEARING ON DATE CERTAIN OF AUGUST 22, 2011**

The Florida Industrial Power Users Group (“FIPUG”), pursuant to Rule 28-106.204, Florida Administrative Code, hereby moves the Commission for the entry of an order in the above-styled docket to have PEF begin its case on a date certain of August 22, 2011. The undersigned has contacted Progress Energy Florida (“PEF”), Florida Power and Light Company (“FPL”), White Springs Agricultural Chemicals Inc. d/b/a PCS Phosphate –White Springs (“White Springs), the Office of Public Counsel (“OPC”), and the Federal Executive Agencies (“FEA”), and is authorized to represent that this motion is agreed to by the parties named above. The grounds for the motion are as follows:

1. This docket, the nuclear cost recovery docket, was established pursuant to section 366.93, Florida Statutes, to permit the advance recovery of certain costs associated with qualifying nuclear projects. Presently, two investor-owned utilities, FPL and PEF, are pursuing projects to increase nuclear energy capacity, annually seek recovery for qualifying costs, and are parties to this docket.

2. During previous years’ nuclear cost recovery proceedings, there was no pre-determined date as to when the second utility’s case would begin. Consequently, that utility and its witnesses spent days waiting for the first case to conclude so that it could immediately begin its case. This arrangement resulted in a number of witnesses, many of whom are key company

executives, waiting in Tallahassee at length to testify, away from their offices and other job responsibilities.

3. In reserving hearing time for this year's nuclear cost recovery proceeding, the Commission has allocated 11 full days to conduct both the FPL and PEF cases, beginning on August 10, 2011. The parties collectively believe that the PEF case should not take longer than four days to complete and suggest taking up the PEF case during the week of August 22, 2011, namely Monday, August 22, Wednesday, August 24, Thursday, August 25, and Friday, August 26. The parties also anticipate that, barring unforeseen developments, FPL's case should not take more than seven days to present.<sup>1</sup>

4. In order to more efficiently manage this year's nuclear cost recovery proceeding, to permit utility executives to more effectively manage their time, to reduce trial costs associated with this proceeding, and to avoid a repeat of last year's proceeding in which key witnesses spent days in Tallahassee waiting to take the stand, the parties seek the entry of an order providing that the PEF's case in chief will begin at a time certain on Monday, August 22, 2011. The entry of such an order will enable PEF and its witnesses to plan travel and lodging arrangements with greater certainty, and allow certain interveners, like White Springs, represented by counsel based in Washington, D.C., to likewise plan travel and lodging arrangements with greater certainty. The entry of such an order will enable the PEF proceeding, which the parties have agreed should not take more than 4 days to complete, to begin on Monday, August 22, 2011 and be completed

---

<sup>1</sup> During discussions with Staff and the parties, it has been noted that occasionally in trial practice, events take place or issues arise that could not have reasonably been anticipated before trial. Consequently and infrequently, adjustments to schedules must sometimes be made to address unforeseen situations, and that is typically accomplished by starting the proceeding earlier, working later, taking shorter and/or fewer breaks, working a weekend day, or some combination of the above to keep the proceeding on schedule. No party is opposed to making such adjustments as may be needed to accommodate unforeseen developments during the course of either the FPL or PEF proceeding.

that same week. Not having the PEF case split by a weekend will also ease travel, lodging and other logistical issues.

5. In sum, the entry of an order as requested will facilitate the orderly and efficient administration of justice, and save ratepayers, utilities and intervenors costs that would otherwise be incurred should the proceeding take place as last year, without a fixed commencement date for the second utility to present its case. There is no opposition to this motion.

**WHEREFORE**, for the foregoing reasons, FIPUG seeks the entry of an order setting Monday, August 22, 2011 as the commencement date of the PEF nuclear cost recovery proceeding.

s/ Jon C. Moyle, Jr.

Jon C. Moyle, Jr.  
Vicki Gordon Kaufman  
Keefe, Anchors, Gordon & Moyle, PA  
118 North Gadsden Street  
Tallahassee, Florida 32301  
Telephone: (850) 681-3828  
Facsimile: (850) 681-8788  
[vkaufman@kagmlaw.com](mailto:vkaufman@kagmlaw.com)  
[jmoyle@kagmlaw.com](mailto:jmoyle@kagmlaw.com)

Attorneys for Florida Industrial Power Users Group

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Agreed Motion for Progress Energy Florida to Begin Hearing on Date Certain of August 22, 2011 has been furnished by electronic mail and U.S. Mail on this 25<sup>th</sup> day of May, 2011, to the following:

Keino Young  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[kyoung@psc.state.fl.us](mailto:kyoung@psc.state.fl.us)

Matthew Bernier  
Carlton Fields Law Firm  
215 S. Monroe St., Ste. 500  
Tallahassee, FL 32301  
[mbernier@carltonfields.com](mailto:mbernier@carltonfields.com)

Joseph McGlothlin  
Erik L. Saylor  
Charles Rehwinkel  
Office of Public Counsel  
111 West Madison St.  
Tallahassee, FL 32399  
[mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.joseph@leg.state.fl.us)  
[saylor.erik@leg.state.fl.us](mailto:saylor.erik@leg.state.fl.us)  
[rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)

James W. Brew  
Brickfield, Burchette, Ritts & Stone, P.C.  
Eighth Floor, West Tower  
1025 Thomas Jefferson St., NW  
Washington, DC 20007-5201  
[jwb@bbrslaw.com](mailto:jwb@bbrslaw.com)

Matthew Feil  
Gunster Law Firm  
215 South Monroe St., Ste. 601  
Tallahassee, FL 32301  
[mfeil@gunster.com](mailto:mfeil@gunster.com)

J. Michael Walls  
Blaise N. Huhta  
Carlton Fields Law Firm  
P. O. Box 3239  
Tampa, FL 33601-3239  
[mwalls@carltonfields.com](mailto:mwalls@carltonfields.com)  
[bhuhta@carltonfields.com](mailto:bhuhta@carltonfields.com)

Bryan S. Anderson  
Jessica Cano  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
[bryan.anderson@fpl.com](mailto:bryan.anderson@fpl.com)  
[jessica.cano@fpl.com](mailto:jessica.cano@fpl.com)

John T. Burnett  
Progress Energy Service Company  
P. O. Box 14042  
St. Petersburg, FL 33733-4042  
[john.burnett@pgnmail.com](mailto:john.burnett@pgnmail.com)

Karen S. White  
Staff Attorney, US Air Force Utility Law  
Field Support Center  
139 Barnes Drive  
Tyndall AFB, FL 32403  
[karen.white@tyndall.af.mil](mailto:karen.white@tyndall.af.mil)

s/ Jon C. Moyle, Jr.  
Jon C. Moyle, Jr.