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**Sent:** Tuesday, June 14, 2011 3:47 PM  
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**Subject:** PSC Filing - Docket No. 110009-EI  
**Attachments:** Kundalkar Req for Oral Argmt - 6.14.11.pdf

The attached document is being filed with the PSC today on behalf of Rajiv S. Kundalkar.

**Person Responsible for Filing:**

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

**Total Number of Pages:** 5

**Filed on Behalf of:** Rajiv S. Kundalkar

**Description of Documents:** Request for Oral Argument on Motion to Stay Order No. PSC-11-0246-PCO-EI



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June 14, 2011

**VIA HAND DELIVERY**

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 Motion to Stay Order No. PSC-11-0246-PCO-EI 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

cc: Certificate of Service

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

In re: )  
Nuclear Cost Recovery Clause )  
\_\_\_\_\_ )

Docket No. 110009-EI  
Filed: June 14, 2011

**RAJIV KUNDALKAR'S REQUEST FOR ORAL ARGUMENT  
ON MOTION TO STAY ORDER NO. PSC-11-0246-PCO-EI**

Pursuant to Rule 25-22.0022, Florida Administrative Code, Mr. Rajiv S. Kundalkar ("Movant") hereby requests oral argument on his Motion To Stay Order No. PSC-11-0246-PCO-EI. Oral argument will aid in the Commission's understanding and evaluation of the issues to be decided<sup>1</sup> as follows:

1. As explained in Movant's April 12, 2011, Motion to Quash, this Commission's compelling a private citizen (a non-party not employed by a regulated utility) to appear for a deposition in a Commission proceeding has never before been done in the long history of this institution. The Order denied Movant's Motion to Quash. Movant will file for judicial review of the Order. The Motion to Quash presented the Commission with a case of first impression with important policy ramifications; the Motion for Stay of the Order now also presents this Commission with significant and unique questions.

2. Oral argument would allow counsel to further explain and discuss the legal standard applicable under the Commission's Stay Rule and the ramifications of the Commission's decision whether to (a) stay the Order, so as to preserve the Movant's right to seek judicial review, or (b) not stay the Order and thereby deprive Movant of his rights when the

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<sup>1</sup> 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).

schedule and circumstances of the case do not so require. Oral argument would allow counsel for Movant to elucidate the reasons it would be error not to stay the Order and to explain why in the specific context of the case schedule and other developments in the case.

WHEREFORE, movant Rajiv S. Kundalkar requests oral argument of ten (10) minutes on his Motion, at a time and place convenient to the Commission.

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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Attorneys 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 14th day of June, 2011, to the following:

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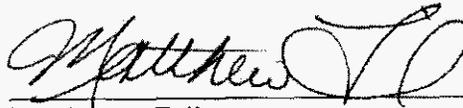
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