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Subject: Docket No. 110009-EI, Nuclear Cost Recovery Clause
Attachments: FIPUG response in opposition to oral argument 6.20.11.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:
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- 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 The Florida Industrial Power Users Group's Response in Opposition to Mr. Kundalkar's Request for Oral Argument.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause.

DOCKET NO: 110009-EI
FILED: June 20, 2011

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
RESPONSE IN OPPOSITION TO MR. KUNDALKAR'S
REQUEST FOR ORAL ARGUMENT**

The Florida Industrial Power Users Group (FIPUG), pursuant to rule 28-106.204, Florida Administrative Code, respond in opposition to Mr. Rajiv Kundalkar's (Kundalkar) Request for Oral Argument on his motion to stay.

1. Rule 25-22.0022, Florida Administrative Code, governs requests for oral argument. It provides that oral argument shall state why such argument would aid the Commission in "understanding and evaluating the issues to be decided..." In this instance, the Prehearing Officer has thoroughly examined and discussed his reasons for requiring Kundalkar to be deposed. Kundalkar's request for oral argument raises no new issues; instead, it essentially repeats the arguments thoroughly discussed in Order No. PSC-11-0246-PCO-EI (Order).

2. Oral argument is unnecessary because oral argument was held on the Motion to Quash, which was denied and is now the subject of the motion to stay, and because the Prehearing Officer fully considered all such arguments in his Order.

3. To meet the high burden necessary for the entry of a stay, all the criteria in rule 25-22.061, Florida Administrative Code, must be met. Such standards are well developed in Commission orders and case law. Kundalkar's request is subject to those well-established principles. Kundalkar has presented nothing new or novel in his motion or his oral argument request.

WHEREFORE, FIPUG Kundalkar's request for oral argument should be denied.

s/ Vicki Gordon Kaufman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Florida Industrial Power Users Group's Response in Opposition to Mr. Kundalkar's Motion for Oral Argument has been furnished by electronic mail and U.S. Mail on this 20th day of June, 2011, to the following:

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