

**Dorothy Menasco**

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**Sent:** Thursday, July 07, 2011 4:17 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** FILING: DOCKET NO. 110009-EI  
**Attachments:** Docket No. 110009-EI Letter Re PEF's Motion for Deferral.pdf

Electronic Filing:

a. The person responsible for this electronic filing is:

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b. Docket No. 110009-EI, Nuclear Cost Recovery Clause

c. This filing is being made on behalf of Progress Energy Florida, Inc.

d. There are a total of three (3) pages in the attached document

e. The document is Progress Energy Florida, Inc.'s Letter Re PEF's Motion for Deferral

Thank you.

DOCUMENT NUMBER-DATE

04654 JUL-7 =

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July 7, 2011

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

Dear Mr. Young:

Progress Energy Florida, Inc. ("PEF" or the "Company") filed its *Motion for Deferral of the Approval of the Long-term Feasibility and the Reasonableness of Projected Construction Expenditures and Associated Carrying Costs for the Crystal River Unit 3 Uprate Project and Petition for Temporary Variance or Waiver of Rules 25-6.0423(5)(c)2, 5, F.A.C. on an Emergency Basis* on July 1, 2011 (hereinafter the "Motion and alternative Petition").<sup>1</sup> PEF believes that its Motion and alternative Petition are sufficient and appropriate as filed. These facts notwithstanding, and in the interest of administrative efficiency and cooperation, PEF is providing this letter to further clarify its intentions for the Motion and alternative emergency Petition and to notify the Florida Public Service Commission (the "Commission") of its willingness to forgo the 30 day requirement of Rule 28-104.005(1), F.A.C., on a limited basis and to allow the Commission to not make a decision on this Motion and alternative Petition until on or before August 10, 2011.

To that end, as stated in PEF's Motion PEF moves for the Commission to grant its Motion for deferral and defer (1) the approval of the long-term feasibility of completing the Crystal River Unit 3 ("CR3") Extended Power Uprate ("EPU") Project ("CR3 Uprate" project) and to defer (2) the determination of the reasonableness of PEF's actual/estimated 2011 and projected 2012 construction expenditures and associated carrying costs for the EPU phase of the CR3 Uprate project under Rule 25-6.0423(5)(c) 2 and 5, F.A.C., from Docket No. 110009-EI to the continuing Nuclear Cost Recovery Docket in 2012. As stated in its Motion, PEF contends that the Commission has the authority to grant this Motion.

PEF further does not contend that a waiver or variance of Rule 25-6.0423(5)(c) 2 and 5, F.A.C., is necessary, however in an abundance of caution, and to the extent the Commission determines it is necessary, PEF has filed an alternative Petition for Temporary Variance or Waiver of Rules 25-6.0423(5)(c)2 and 5, F.A.C. on an Emergency Basis. Again, PEF does not contend that it is necessary for the Commission to grant a variance or waiver of this rule in order to grant its Motion and grant the deferral. These facts notwithstanding, PEF did style its alternative Petition

<sup>1</sup> A Notice of Filing *Corrected Motion for Deferral to Correct Typographical Errors in Rule Citations* with attached *Corrected Motion* was thereafter filed on July 5, 2011.

DOCUMENT NUMBER-DATE

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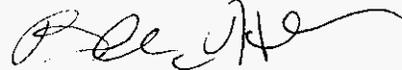
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on an emergency basis based on the short period of time before the hearings in Docket No. 110009 will commence as discussed in its Motion at ¶¶ 10-17. Nevertheless, in the interests of efficiency and cooperation, PEF is willing to forgo on a limited basis having this Motion and alternative Petition heard based on the timeline set by Rule 28-104.005(1), F.A.C. (30 days from receipt of petition by Commission) and will agree that this Motion and alternative Petition will be ruled on by the Prehearing Officer or full Commission on or before August 10, 2011.

Sincerely,

CARLTON FIELDS, P.A.



Blaise N. Huhta  
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