

**Eric Fryson**

**From:** Rhonda Dulgar [rhonda@gbwlegal.com]  
**Sent:** Thursday, November 29, 2012 8:44 AM  
**To:** Filings@psc.state.fl.us; kelly.jr@leg.state.fl.us; Jim Beasley; Larry Harris; Patty Christensen; Paula Brown; Pauline Robinson  
**Cc:** Schef Wright  
**Subject:** Electronic Filing - Docket 120234-EI  
**Attachments:** 120234.DeSoto.UnopposedMotion2ReworkIssue.11-29-12.pdf

a. Person responsible for this electronic filing:

Robert Scheffel Wright  
 Gardner, Bist, Wiener, Wadsworth, Bowden,  
 Bush, Dee, LaVia & Wright, P.A.  
 1300 Thomaswood Drive  
 Tallahassee, FL 32308  
[swright@gbwlegal.com](mailto:swright@gbwlegal.com)  
 (850) 385-0070

b. 120234-EI

In Re: Petition to Determine Need for Polk 2-5 Combined Cycle Conversion, By Tampa Electric Company.

c. Document being filed on behalf of the DeSoto County Generating Company, LLC.

d. There are a total of 3 pages.

e. The document attached for electronic filing is Unopposed Motion to Rework Issue. (see attached file: 120234.DeSoto.UnopposedMotion2ReworkIssue.11-29-12.pdf)

Thank you for your attention and assistance in this matter.

**Rhonda Dulgar**

**Secretary to Jay LaVia & Schef Wright**

Gardner, Bist, Wiener, Wadsworth, Bowden,  
 Bush, Dee, LaVia & Wright, P.A.  
 1300 Thomaswood Drive  
 Tallahassee, Florida 32308  
 Phone: 850-385-0070  
 Fax: 850-385-5416  
 Email: [rhonda@gbwlegal.com](mailto:rhonda@gbwlegal.com)  
<http://www.gbwlegal.com/>



**Gardner, Bist, Wiener, Wadsworth, Bowden,  
 Bush, Dee, LaVia & Wright, P.A. ATTORNEYS AT LAW**

CONFIDENTIALITY NOTICE: This communication is intended only for the exclusive use of the intended recipient(s) and contains information which is legally privileged and confidential. Furthermore this communication is protected by the Electronic Communication Privacy Act, 18 U.S.C. §§ 2510-2521 and any form of distribution, copying, forwarding or use of it or the information contained in or attached to it is strictly prohibited and may be unlawful. This communication may not be reviewed, distributed, printed, displayed, or re-transmitted without the sender's written consent. ALL RIGHTS PROTECTED. If you have received this communication in error please return it to the sender and then delete the entire communication and destroy any copies. Thank you.

DOCUMENT NUMBER DATE

07896 NOV 29 09

FPSC-COMMISSION CLERK

11/29/2012

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition to Determine Need for )  
Polk 2-5 Combined Cycle Conversion, ) DOCKET NO. 120234-EI  
By Tampa Electric Company )  
\_\_\_\_\_ ) FILED: NOVEMBER 29, 2012

**UNOPPOSED MOTION TO REWORD ISSUE**

DeSoto County Generating Company, LLC ("DeSoto" or "DeSoto Generating Company"), pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), hereby respectfully moves the Prehearing Officer to change the wording of the issue designated as Issue 4 in the draft prehearing order distributed by the Commission Staff at the Prehearing Conference held in this docket on November 27, 2012. Although the parties were in agreement to use the substantive wording for this issue proposed by DeSoto in its prehearing statement, the matter was inadvertently not taken up at the prehearing conference.

Pursuant to Section 403.519(3), Florida Statutes (2012), Issue 4 addresses the need for "fuel diversity and supply reliability." Thus, Issue 4 should be reworded to track the statutory language, as follows (additional language underlined):

ISSUE 4: Is there a need for the proposed Polk 2-5 Combined Cycle Conversion, taking into account the need for fuel diversity and supply reliability, as this criterion is used in Section 403.519(3), Florida Statutes?

The undersigned has conferred with counsel for Tampa Electric Company, who indicated that Tampa Electric is agreeable

to the revised language. The undersigned has also conferred with counsel for the Commission Staff, who indicated that the Staff do not oppose this language.

WHEREFORE, DeSoto Generating Company respectfully moves the Prehearing Officer to approve the restatement of Issue 4 reflected above.

Respectfully submitted this 29th day of November 2012.



Robert Scheffel Wright

schef@gbwlegal.com

John T. LaVia, III

jlavia@gbwlegal.com

Gardner, Bist, Wiener, Wadsworth, Bowden, Bush,  
Dee, LaVia & Wright, P.A.

1300 Thomaswood Drive

Tallahassee, Florida 32308

Telephone (850) 385-0070

Facsimile (850) 385-5416

Attorneys for DeSoto County Generating  
Company, LLC

**CERTIFICATE OF SERVICE**

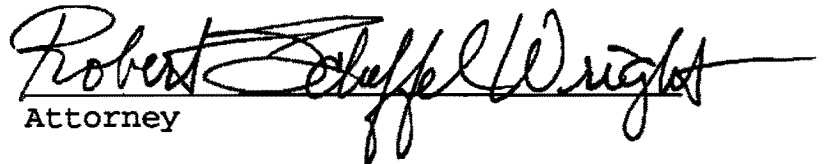
I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic mail and U.S. Mail, on this 29th day of November 2012.

Pauline Robinson  
Larry Harris  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

J.R. Kelly  
Patricia Christensen  
Office of Public Counsel  
c/o the Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400

Paula K. Brown  
Administrator, Regulatory Coordination  
Tampa Electric Company  
P. O. Box 111  
Tampa, FL 33601-0111

James D. Beasley, Esquire  
Ausley Law Firm  
Post Office Box 391  
Tallahassee, Florida 32302

  
Attorney