

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

DOCKET NO. 100437-EI
ORDER NO. PSC-13-0107-PCO-EI
ISSUED: March 1, 2013

ORDER GRANTING PROGRESS ENERGY FLORIDA, INC'S MOTION TO SUSPEND CASE SCHEDULING DATES AND DISCOVERY PROCEDURES IN THE SECOND REVISED ORDER ESTABLISHING PROCEDURE

On February 13, 2013, this Commission issued two orders, the first granting Progress Energy Florida, Inc's (PEF) Motion to Lift Stay of Phase 2 and further lifting the stay of Phase 3,¹ and the second, the Second Revised Order Establishing Procedure (Revised OEP)² establishing an expedited case schedule and discovery procedures for determination of Phases 2 and 3. On February 26, 2013, Commission staff held an informal meeting between all parties of record and interested persons to discuss the hearing schedule and scope of the docket. Commission staff requested that the parties work together to prepare a list of specific issues left for resolution in this matter by March 6, 2013 and planned an issues identification conference to discuss and potentially agree to the issues on March 12, 2013. Pursuant to the Revised OEP, however, PEF's direct testimony and exhibits on all issues remaining in this docket are due to be filed on March 18, 2013 with intervenor testimony and exhibits due on May 10, 2013. Because the parties will not identify the issues before March 12, 2013, at the earliest, PEF cannot file its direct testimony and exhibits by March 18, 2013. Further, the Revised OEP provides for expedited discovery, including clarifications and objections within four days and responses within fifteen days, which the parties agree should be extended. PEF conferred with or attempted to confer with all parties of record during the February 26, 2013 informal meeting and understands that none of those parties object to the granting of their motion.

Having reviewed this matter, I find that PEF's motion to suspend the case scheduling dates and the discovery procedures previously ordered in the Revised OEP is granted. PEF shall not be required to file any testimony or exhibits on March 18, 2013 and a future order shall be issued revising the schedule for Commission review and determination of prudence of both Phases II and III. Furthermore, I also find that PEF's request to extend the time for PEF's responses to discovery, to thirty (30) calendar days from the date of service, with ten (10) days for clarifications, and twenty (20) days for objections is reasonable.

¹ Order No. PSC-12-0180-PCO-EI

² Order No. PSC-13-0084-PCO-EI

DOCUMENT NUMBER-DATE

01086 MAR-1 2013

FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED the requirement in the Second Revised Order Establishing Procedure for Progress Energy Florida, Inc. to file direct testimony and exhibits by March 18, 2013 is hereby suspended pending the issuance of a revised schedule in a future order from this Commission. It is further

ORDERED that the time for Progress Energy Florida, Inc.'s responses to discovery outlined in the Second Revised Order Establishing Procedure is adjusted to thirty (30) calendar days from the date of service with ten (10) days for clarifications and twenty (20) days for objections.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 1st day of March, 2013.



EDUARDO E. BALBIS
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MTL

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.