

Eric Fryson

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Sent: Tuesday, May 14, 2013 4:20 PM
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Cc: 'Gamba, Blaise N.'; Rehwinkel, Charles; 'Dianne Triplett'; Saylor, Erik; 'F. Alvin Taylor'; 'James Brew '; 'John Burnett'; 'Jon C. Moyle Jr. '; Keino Young; 'Bernier, Matthew R.'; Kelly, JR; Michael Lawson; 'Walls, J. Michael'; 'Myndi Qualls'; 'Paul Lewis Jr. '; 'Schef Wright '; Lee Eng Tan; 'jcostello@carltonfields.com'; Saylor, Erik; Rehwinkel, Charles; Kelly, JR
Subject: OPC's Request for Oral Argument to Accompany First Motion to Compel
Attachments: OPC's Request for Oral Argument (Motion to Compel).pdf

Electronic Filing

a. Person responsible for this electronic filing:

Erik L. Saylor, Associate Public Counsel
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b. Docket No. 100437-EI

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

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 3 pages.

e. The document attached for electronic filing is: OPC's Request for Oral Argument to Accompany First Motion to Compel

Thank you for your attention and cooperation to this request.

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RECEIVED
DOCUMENT NUMBER - DATE
02658 MAY 14 2013
FPSC-COMMISSION CLERK

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-E1

FILED: May 14, 2013

REQUEST FOR ORAL ARGUMENT FOR CITIZEN'S FIRST MOTION TO COMPEL DISCOVERY AND REQUEST FOR IN-CAMERA REVIEW OF DOCUMENTS

Pursuant to Rule 25-22.0022, Florida Administrative Code, the Citizens of State of Florida, (OPC), by and through undersigned counsel, request the opportunity to present oral argument on Citizen's First Motion to Compel Discovery and Request for In-Camera Review of Documents, that accompanies this request.

Oral argument will aid the Commission in evaluating the relevant case law applicable to privilege and how in many instances it is a question of first impression whether the documents are privileged given the unique facts of this case. Oral argument will assist in explaining how Duke Florida and Duke Energy Corporation may "act as one" and that any documents in Duke Energy Corporation's possession, custody, or control are subject to being produced. Oral argument will assist in explaining why an in-camera review of the documents is required under Florida law. It will assist in explaining why Duke Energy Florida must provide the documents OPC with the privilege information redacted to enable OPC parties to assess the applicability of the privilege asserted. Oral argument will assist in explaining why the customers are a real party of interest and beneficiary of the NEIL policies, and must have access to the facts and decision making contained in those documents. Oral argument will assist in understanding why OPC needs these documents and cannot replicate the documents without undue hardship.

DOCUMENT NUMBER - DATE

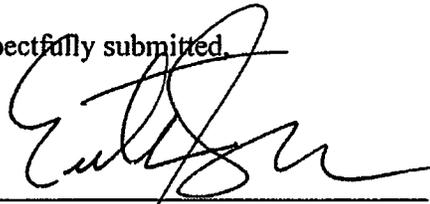
02658 MAY 14 2013

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As for the amount of time, OPC requests a minimum of thirty minutes for each party to argue their position. OPC reserves the right to request another oral argument once Duke has prefiled its testimony or provided redacted versions of the documents.

WHEREFORE, the Office of Public Counsel requests that this Request for Oral Argument be granted.

Respectfully submitted,



Charles J. Rehwinkel
Deputy Public Counsel

Erik L. Sayler
Associate Public Counsel

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ATTORNEY FOR THE CITIZENS
OF THE STATE OF FLORIDA

CERTIFICATE OF SERVICE

100437-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 14th day of May, 2013 to the following:

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