

**Shawna Senko**

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**Sent:** Friday, August 02, 2013 4:07 PM  
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'Schef@gbwlegal.com'; 'Jlavia@gbwlegal.com'; Cano, Jessica; Grenz, Barbara  
**Subject:** Electronic Filing - Docket No. 130009-EI / Stipulation for Hearing (rev. 8.2.13)  
**Attachments:** Stipulation for Hearing.pdf

### **Electronic Filing**

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.  
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b. Docket No. 130009-EI

In Re: Nuclear Power Plant Cost Recovery Clause

c. The documents is being filed on behalf of Florida Power & Light Company.

d. There are a total of six (6) pages.

e. The document attached for electronic filing is: Stipulation for Hearing

### **Barbara A. Grenz, CP**

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Nuclear Cost            )  
Recovery Clause                )

Docket No. 130009-EI  
Filed: August 2, 2013

**STIPULATION FOR HEARING**

Attached is a stipulation among Florida Power & Light Company, the Office of Public Counsel, Florida Industrial Power Users Group, Florida Retail Federation, and the Southern Alliance for Clean Energy for Florida Public Service Commission consideration with respect to a proposed administratively efficient approach for proceedings to be conducted in the hearing scheduled to begin on August 5, 2013.

Respectfully submitted this 2nd day of August, 2013.

Bryan S. Anderson  
Fla. Auth. House Counsel No. 219511  
Admitted in IL; Not Admitted in FL  
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By: Jessica A. Cano  
Jessica A. Cano  
Fla. Bar No. 0037372

## Cano, Jessica

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**From:** Anderson, Bryan  
**Sent:** Friday, August 02, 2013 12:55 PM  
**To:** Charles Rehwinkel (Rehwinkel.Charles@leg.state.fl.us); Joseph McGlothlin (mcglothlin.joseph@leg.state.fl.us); Erik Saylor (Saylor.Erik@leg.state.fl.us); Jon C. Moyle, Jr. (jmoyle@moylelaw.com); george@cavros-law.com; schef@gbwlegal.com  
**Cc:** Michael Lawson (MLawson@PSC.STATE.FL.US)  
**Subject:** Docket 130009-EI - Stipulation Update and Next Steps for Hearing

Dear colleagues:

From communications through this morning, I have the following updates to report:

1. OPC and FPL agreed to the stipulation immediately below this email.
2. FRF stated "We – the FRF – are agreeable to the suggested stipulations. With respect to any issues on which OPC takes "No position," the FRF will also take no position"
3. FIPUG stated "FIPUG does not waive and preserves its positions in the prehearing order but does not object to a global stipulation to be approved by the Commission by the other parties as set forth in FPL's proposal."
4. SACE (i) wishes to cross-examine Steve Scroggs and Steve Sim on their direct testimony with respect to Turkey Point 6 & 7; (ii) does not object to the parties' stipulation concerning the EPU issues; (iii) does not object to the parties' stipulation that legal issues 2 and 3 are moot as to FPL; and (iv) does not agree at this time that FPL's stipulation with OPC and others to reduce the AFUDC amount by about \$1.6 million renders Legal Issue 1 moot, but its counsel will check further with his client.

That said, that said, I think we are in agreement for:

1. Admission into evidence of all witnesses' testimony and exhibits without cross-examination except for Messrs. Scroggs and Sim's direct testimony;
2. Parties to make opening arguments as provided for in Prehearing Order;
3. The parties may file briefs and holding aside SACE's positions, the contested issue would be Issue 13 where the parties would argue OPC's disallowance recommendations based on the stipulated testimony and exhibits; and
4. SACE will brief other issues, and may assert that legal issue 1 is not moot despite FPL's stipulated agreement to reduce its 2014 NCR amount. The Commission will determine whether Issue 1 is moot and argument is needed.

Based on this status it would be helpful if Commission staff were perhaps to verify that this arrangement is acceptable to it and that all witnesses in the FPL portion of the case including Public Counsel's and Staff's witnesses may be excused except for FPL witnesses Messrs. Sim and Scroggs for whom SACE has taken the position that they will not waive cross-examination.

Best regards,

Bryan Anderson  
Attorney for Florida Power & Light Company  
561-304-5253  
Authorized House Counsel No. 219511  
Admitted in Illinois, not admitted in Florida



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**From:** Anderson, Bryan  
**Sent:** Thursday, August 01, 2013 6:09 PM  
**To:** Charles Rehwinkel ([Rehwinkel.Charles@leg.state.fl.us](mailto:Rehwinkel.Charles@leg.state.fl.us)); Joseph McGlothlin ([mcglothlin.joseph@leg.state.fl.us](mailto:mcglothlin.joseph@leg.state.fl.us)); Erik Saylor ([Saylor.Erik@leg.state.fl.us](mailto:Saylor.Erik@leg.state.fl.us)); Jon C. Moyle, Jr. ([jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)); 'george@cavros-law.com'; 'schef@gbwlegal.com'  
**Cc:** Michael Lawson ([MLawson@PSC.STATE.FL.US](mailto:MLawson@PSC.STATE.FL.US))  
**Subject:** Docket 130009-EI - Stipulation Request

Dear colleagues,

Here is a stipulation request agreed to by Public Counsel's office and FPL for your consideration and requested agreement. As you can see, it would greatly streamline this year's hearing process. Your prompt reply is much appreciated, as this stipulation could allow a release of witnesses in advance of travel, subject to the Commission's approval.

Procedural matters

The parties stipulate to the admission into the record of the testimony and exhibits of the witnesses (or amended testimony as the case may be) without cross-examination and with the witnesses excused from appearing as may be approved by the Commission.

Opening statements will be conducted as provided for in the prehearing order (i.e. 10 minutes for FPL, 20 minutes for intervenors).

The parties may file briefs; the contested issue would be issue 13 where the parties would argue OPC's disallowance recommendations based on the stipulated testimony and exhibits.

FPL would stipulate to reduce its 2014 nuclear cost recovery amount by \$1,623,449 reflecting application of its AFUDC rate in effect as of July 1, 2013 and the parties would agree that the related issue 1 is moot and need not be decided by the Commission.

Issue by issue stipulation follows:

Stipulations as to issues

Stipulation on Issue 1: Without waiving their legal positions concerning this issue, the parties stipulate and agree to FPL reducing its 2014 nuclear cost recovery amount by \$1,623,449, which reflects application of its AFUDC rate in effect as of July 1, 2013. As a result, the parties agree that Issue 1 is moot and need not be decided by the Commission.

Stipulations on Issues 2 and 3: The parties agree that these legal issues are moot as to FPL and need not be decided by the Commission.

Stipulations on Issues 4-10: The parties stipulate to FPL's positions as presented in Order No. PSC-13-0333-PHO-EI, except that OPC states that it has no position concerning these issues.

[Issues 11 and 12 were withdrawn.]

No stipulation on Issue 13 (this is where OPC recommends its disallowance and parties will brief)

Stipulation on Issues 14-17: The parties stipulate to FPL's positions as presented in Order No. PSC-13-0333-PHO-EI, subject to the Commission's determination on Issue 13, and subject to the \$1,623,449 AFUDC rate reduction stipulation contained in Issue 1.

Best regards,

Bryan Anderson  
Attorney for Florida Power & Light Company  
561-304-5253  
Authorized House Counsel No. 219511  
Admitted in Illinois, Not Admitted in Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 130009-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Stipulation for Hearing was served via electronic mail this 2nd day of August, 2013 to the following:

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