

Diamond Williams

110009-EI

From: Lowe, Amy [Amy.Lowe@fpl.com]
Sent: Tuesday, May 03, 2011 4:46 PM
To: Filings@psc.state.fl.us
Cc: Keino Young; Anna Williams; 'Kelly.jr@leg.state.fl.us'; Charles Rehwinkel; 'mwalls@carltonfields.com'; 'bhuhta@carltonfields.com'; 'vkaufman@kagmlaw.com'; 'jmoyle@kagmlaw.com'; 'john.burnett@pgnmail.com'; 'alex.glenn@pgnmail.com'; 'jbrew@bbrslaw.com'; 'ataylor@bbrslaw.com'; 'RMiller@pcsposphate.com'; 'paul.lewisjr@pgnmail.com'; allan.jungels@tyndall.af.mil; mbernier@carltonfields.com; Anderson, Bryan; Cano, Jessica
Subject: Electronic Filing - Docket # 110009-EI
Attachments: FPL's Motion for Leave to File Comments on Mr. Kundalkar's Motion to Quash.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Jessica A. Cano, Esq.
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408
 (561) 304-5226
Jessica.Cano@fpl.com

b. Docket No. 110009-EI

IN RE: Nuclear Power Plant Cost Recovery Clause

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

d. There are a total of four (4) pages.

e. The document attached for electronic filing is:

Florida Power & Light Company's Motion for Leave to File Comments on Mr. Kundalkar's Motion to Quash Subpeona and Notices of Deposition

See attached file(s): FPL'S Motion for Leave to File Comments on Mr. Kundalkar's Motion to Quash.pdf

Amy Lowe, CP
 Certified Paralegal
 Senior Legal Assistant to
 Bryan Anderson, Managing Attorney
 William P. Cox, Senior Attorney
 Florida Power & Light Company
 Office: (561) 304-5608 Fax: (561) 691-7135
 Email: amy.lowe@fpl.com



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DOCUMENT NUMBER-DATE

03059 MAY-3 =

FPSC-COMMISSION CLERK

5/3/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Power Plant)
Cost Recovery Clause _____)

Docket No. 110009-EI
Filed: May 3, 2011

**FLORIDA POWER & LIGHT COMPANY'S MOTION FOR LEAVE
TO FILE COMMENTS ON MR. KUNDALKAR'S
MOTION TO QUASH SUBPEONA AND NOTICES OF DEPOSITION**

Pursuant to Rule 28-106.204, Florida Administrative Code ("F.A.C."), Florida Power & Light Company ("FPL") is hereby requesting leave to file comments on Mr. Kundalkar's Motion to Quash Subpoena and Notices of Deposition. In support of this Motion, FPL states as follows:

1. On April 12, 2011, Mr. Kundalkar filed, through counsel, a Motion to Quash the subpoena for his deposition issued by the Office of Public Counsel ("OPC"). Mr. Kundalkar is retired, and is no longer an employee of FPL or its parent company, NextEra Energy, Inc. FPL had not intended to weigh in on this dispute between OPC and Mr. Kundalkar. However, it is increasingly apparent that this dispute could become an unnecessary distraction to the timely resolution of the issues in this docket.

2. FPL has an interest in avoiding a protracted debate over the legal prerequisites to enforcing such a subpoena, the relative policy considerations involved, and whether Mr. Kundalkar's testimony is necessary. These issues may directly affect the timely disposition of FPL's requested Nuclear Cost Recovery amount for the year 2012. In light of FPL's substantial interest, comments from FPL should be permitted.

3. In accordance with Rule 28-106.204(3), Florida Administrative Code, FPL contacted counsel for each party in this docket to determine whether they object to this Motion. Progress Energy Florida does not object to this Motion; White Springs/PCS Phosphate takes no position on this Motion; and the Florida Industrial Power Users Group and the Office of Public

DOCUMENT NUMBER - DATE

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FPSC-COMMISSIONER CLERK

Counsel object to this Motion. FPL was unable to ascertain the position, if any, of the Federal Executive Agencies prior to filing this Motion.

WHEREFORE, in light of FPL's substantial interest, FPL's Motion for Leave to File Comments on Mr. Kundalkar's Motion to Quash Subpoena and Notices of Deposition should be granted.

Respectfully submitted this 3rd day of May, 2011.

Bryan S. Anderson
Fla. Auth. House Counsel No. 219511
Mitchell S. Ross
Fla. Bar No. 108146
Kenneth M. Rubin
Fla. Bar No. 349038
Jessica A. Cano
Fla. Bar No. 0037372
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
(561) 304-5226
(561) 691-7135 (fax)

By: s/ Bryan S. Anderson
Bryan S. Anderson
Fla. Authorized House Counsel No. 219511
Admitted in IL, Not Admitted in FL

**CERTIFICATE OF SERVICE
DOCKET NO. 110009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Motion for Leave to File Comments on Mr. Kundalkar's Motion to Quash Subpoena and Notices of Deposition was served electronically this 3rd day of May, 2011 to the following:

Anna Williams, Esq.
Keino Young, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
KYOUNG@PSC.STATE.FL.US
ANWILLIA@PSC.STATE.FL.US

J. R. Kelly, Esq.
Charles Rehwinkel, Esq.
Joseph McGlothlin, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399
mcglothlin.joseph@leg.state.fl.us
Kelly.jr@leg.state.fl.us
Rehwinkel.Charles@leg.state.fl.us

J. Michael Walls, Esq.
Blaise Huhta, Esq.
Carlton Fields Law Firm
P.O. Box 3239
Tampa, Florida 33601-3239
mwalls@carltonfields.com
bhuhtha@carltonfields.com
Attorneys for Progress

R. Alexander Glenn, Esq.
John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042
john.burnett@pgnmail.com
alex.glenn@pgnmail.com
Attorneys for Progress

Matthew Bernier, Esq.
Carlton Fields Law Firm
215 S. Monroe Street, Ste. 500
Tallahassee, Florida 32301
mbernier@carltonfields.com

Mr. Paul Lewis, Jr.
106 East College Ave., Suite 800
Tallahassee, Florida 32301-7740
paul.lewisjr@pgnmail.com

Jon C. Moyle, Jr., Esq.
Vicki Gordon Kaufman, Esq.
Keefe Anchors Gordon & Moyle, PA
118 North Gadsden Street
Tallahassee, Florida 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com
Attorneys for FIPUG

James W. Brew, Esq.
F. Alvin Taylor, Esq.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
ataylor@bbrslaw.com
Attorneys for PCS Phosphate

Randy B. Miller
White Springs Agricultural Chemicals, Inc.
Post Office Box 300
15843 Southeast 78th Street
White Springs, Florida 32096
RMiller@pcsphosphate.com

Captain Allan Jungels
AFLSA/JACL-ULFSC
139 Barnes Drive, St. 1
Tyndall AFB, Florida 32403-5319
Allan.jungels@tyndall.af.mil

By: s/ Bryan S. Anderson
Bryan S. Anderson
Fla. Authorized House Counsel No. 219511
Admitted in IL, Not Admitted in FL