

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition to approve transaction for accelerated decommissioning services at CR3 facility, transfer of title to spent fuel and associated assets, and assumption of operations of CR3 facility pursuant to the NRC license, and request for waiver from future application of Rule 25-6.04365, F.A.C. for nuclear decommissioning study, by Duke Energy Florida, LLC.

DOCKET NO.: 20190140-EI

FILED: September 16, 2019

**CITIZENS' UNOPPOSED MOTION TO HOLD THE  
HEARING SCHEDULE IN ABEYANCE**

The Citizens of the State of Florida, through the Office of Public Counsel (“OPC”) file this Motion requesting that the Commission, through the Pre-hearing Officer, hold the hearing schedule established in Order No. PSC-2019-0320-PCO-EI (“OEP”) in abeyance pending a determination of certain threshold issues by the United States Nuclear Regulatory Commission (“NRC”). In support, the OPC states as follows:

On July 10, 2019, Duke Energy Florida, LLC (DEF), pursuant to Rules 28-106.201 and 25-6.04365, Florida Administrative Code (“F.A.C.”), filed a petition seeking the Commission’s approval of DEF’s transaction with a counterparty related to the decommissioning of the retired Crystal River Unit 3 (“CR3”) nuclear plant.

The following schedule was established by the OEP:

(1) Utility's testimony and exhibits	July 10, 2019
(2) Intervenors' testimony and exhibits	October 21, 2019
(3) Staff's testimony and exhibits, if any	October 28, 2019
(4) Rebuttal testimony and exhibits	November 14, 2019
(5) Prehearing Statements	December 6, 2019
(6) Prehearing Conference	December 17, 2019
(7) Discovery deadline	December 13, 2019
(8) Hearing	January 7-9, 2020
(9) Briefs	January 23, 2020

DEF has also filed, with the NRC, for approval of a license transfer and conforming license amendment regarding this same proposed transaction. According to information received, the NRC is not expected to issue its order regarding the license transfer request until the first or second quarter of 2020 at the earliest. This Commission's administrative hearing is scheduled to address DEF's petition on January 7-9, 2020 on the schedule set out above. The OPC submits that administrative efficiency would be best served by holding the Commission's hearing schedule in abeyance pending the issuance of the NRC's order regarding DEF's request to transfer the license.

For the reasons set out above, the OPC requests that the Commission hold in abeyance or suspend the current hearing schedule, and allow discovery to proceed so that testimony can be prepared in anticipation of a hearing to be held on an expedited basis to be established as soon as possible after the NRC issues an order that is consistent with the relief DEF has requested from that agency. The OPC has consulted with the only other current party to the docket and is authorized to state that DEF takes no position on this motion.

WHEREFOR, the OPC requests that the Commission grant the relief requested herein.

Respectfully submitted,

J.R. Kelly  
Public Counsel

/s/ Charles J. Rehwinkel  
Charles J. Rehwinkel

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**CERTIFICATE OF SERVICE**  
**Docket No. 20190140-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 16th day of September, 2019, to the following:

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*s/Charles J. Rehwinkel*  
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