

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-11-0551-PCO-EI
ISSUED: December 6, 2011

ORDER GRANTING JOINT INTERVENORS MOTION TO AMEND THE CONTROLLING DATES WHICH GOVERN KEY ACTIVITIES FOR PHASE ONE OF THIS DOCKET

Background

In the fall of 2009, during Refueling Outage 16, Progress Energy Florida, Inc. (PEF) replaced the Crystal River Unit 3 (CR3) nuclear power plant's existing steam generator. On October 2, 2009, PEF discovered a delamination (cracking of the layers of concrete) of a portion of CR3's containment building. CR3 was not returned to service in the timeframe planned by PEF for Refueling Outage 16 and the outage was extended.

During the Commission's 2010 fuel and purchased power cost recovery docket, PEF filed a motion to create a separate docket to investigate the prudence and reasonableness of PEF's actions concerning the delamination and to review the prudence of PEF's resulting fuel and purchased power replacement costs associated with the extended outage. PEF's motion was granted and this docket was opened by the Commission. The Office of Public Counsel (OPC), the Florida Industrial Power Users Group (FIPUG), White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs (PCS), Southern Alliance for Clean Energy (SACE), and the Florida Retail Federation (FRF) have been granted intervention in this docket.

Beginning in January 2011, the Prehearing Officer conducted several status conferences with all parties to the docket to determine the scheduling of key activities in the docket. Order No. PSC-11-0352-PCO-EI, the Order Establishing Procedure, was issued on August 23, 2011, dividing the docket into three phases and establishing controlling dates for each of the three phases. Under the current schedule, Phase 1 of the hearing, which is a prudence review of the events and decisions of PEF leading up to the October 2, 2009 delamination event, is set for hearing June 11-15, 2012. PEF filed its direct testimony with regard to Phase 1 on October 10, 2011. Intervenors' testimony regarding Phase 1 is scheduled to be filed on February 10, 2012. The Phase 1 prehearing conference is currently set for May 23, 2012 and the discovery is to be completed for the Phase 1 hearing by May 31, 2012.

Intervenors Unopposed Motion to Amend Controlling Dates

On December 2, 2011, OPC, FIPUG, FRF, SACE, and PCS (the Intervenors) filed a joint unopposed motion asking that the dates for the key activities in Phase 1 of this docket be amended to allow additional time to prepare for the hearing. The Intervenors state that they have

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actively participated in this docket since its inception. The Intervenors assert that they have conducted substantial discovery, including deposing numerous persons associated with the CR3 steam generator replacement project. According to the Intervenors, based on their review to date, they require additional time to prepare their responsive testimony and exhibits which are currently due to be filed on February 10, 2012. The Intervenors also request that ten days be reserved for the hearing, rather than the five currently scheduled.

The Intervenors state that an extension of no more than 60 days for all key activities and controlling dates governing Phase 1 of this docket is necessary for them to sufficiently address all the factual and legal issues presented by this case. Intervenors assert that no party will be prejudiced by their request and that granting their request would result in a more efficient and thorough review of the factual and legal issues for the Commission and all the parties. Intervenors affirm that PEF has no objection to this motion.

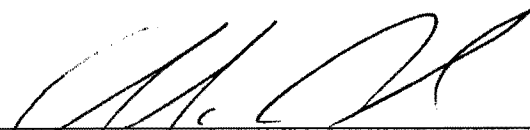
Analysis and Ruling

This motion was made at the request of the parties representing ratepayers. It is important that all parties have sufficient time to thoroughly examine all available evidence before the hearing begins. By approving this motion, the ratepayers can be assured that their representatives will be fully prepared to present the factual and legal issues concerning CR3. Accordingly, Intervenors Joint Unopposed Motion to Amend the Controlling Dates for Phase 1 is granted. The dates for key activities will be set by subsequent order.

Based on the foregoing, it is

ORDERED that Intervenors Joint Unopposed Motion to Amend the Controlling Dates for Phase 1 of this docket is granted.

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 6th day of December, 2011.



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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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.