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Subject: Filing Docket 100437
Attachments: Docket 100437 PEF Joint Motion of the Parties.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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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 Progress Energy Florida, Inc.

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

e. The document attached for electronic filing is: **Joint Motion of the Parties to Resolve Certain Disputed Case Issues and Request for Oral Argument.**

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

01766 APR-5 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-EI

FILED: April 5, 2013

JOINT MOTION OF THE PARTIES TO RESOLVE CERTAIN DISPUTED CASE ISSUES AND REQUEST FOR ORAL ARGUMENT

Progress Energy Florida, Inc. (PEF), the Office of Public Counsel (OPC), the Florida Retail Federation (FRF); the Florida Industrial Power Users Group (FIPUG), and PCS Phosphate (PCS), collectively referred to as the "Parties," jointly move the Commission to resolve certain disputed case issues as more fully discussed below.

1. Over the last several months, the Parties have been diligently working with Commission Staff to develop a list of issues that remain to be resolved in this docket. To that end, Staff has conducted three separate issues identification meetings, and the Parties and Staff have made substantial progress in developing an agreed-to list of case issues to submit to the Commission for consideration.

2. Despite the progress that the Parties and Staff have made in this process, the Parties have identified a threshold question that they have been unable to agree upon that prevents the Parties from being able to agree to a final list of proposed issues to be resolved in this matter. Specifically, the Parties have been unable to agree on the answer to the following question:

What issues, if any, does the Settlement Agreement, approved by Commission vote on February 22, 2012 and in Order No. PSC-12-0104-FOF-EI, preclude the Commission from determining in this docket?

3. The Parties respectfully request that the full Commission consider and rule on this disputed threshold question in the following manner:

DOCUMENT NUMBER-DATE

01766 APR-5 2013

FPSC-COMMISSION CLERK

April 19, 2013: Parties file briefs providing positions on the disputed question.

April 26, 2013: Parties file reply briefs.

To Be Determined: The Commission receives oral argument from the parties.

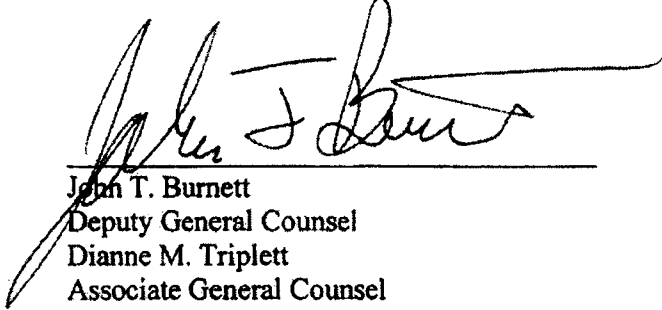
To Be Determined: Staff recommendation, if any, and ruling from Commission.

4. The resolution of this question will promote judicial efficiency and will allow the Parties to continue and finalize their efforts to prepare a proposed list of remaining issues to be resolved in this manner and will prevent discovery disputes and objections related to these issues.

5. By agreeing to this joint motion, the Parties do not waive any rights to seek appellate review of the Commission's decision concerning the scope of the issues to be determined by the administrative hearing to be held in this docket pursuant to Chapters 120 and 366, Florida Statutes. This motion is a vehicle of convenience agreed to by the Parties for purposes of administrative efficiency and at the request of Commission Staff and is not a waiver of any right or standing on appeal that a party would otherwise possess had that party pursued resolution through a different method (e.g. a motion to dismiss, strike, or *in limine*, or a response to any such motion filed by an opposing party).

WHEREFORE, the Parties respectfully request that the Commission grant this motion and resolve the aforementioned disputed question in the manner set forth in this motion.

Respectfully submitted on behalf of the Parties,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via electronic and U.S. Mail this 5th day of April, 2013.



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