

VOTE SHEET

May 14, 2013

Docket No. 100437-EI – Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.

Issue 1: Should OPC's Motion for Reconsideration and Request for Oral Argument be barred from consideration due to lack of timeliness?

Recommendation: Yes, staff recommends that the Commission find that OPC's Motion for Reconsideration and Request for Oral Argument are barred because they are untimely and outside the jurisdictional time period afforded to a party to seek reconsideration of a Commission order. The Commission does not have authority to waive the jurisdictional time period and adjudicate OPC's motion and request on the merits. Staff notes that if the Commission agrees with Issue 1, Issues 2, 3, and 4 are moot.

DENIED

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13 MAY 15 PM 2:29  
COMMISSION CLERK

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*Julia R*  
*[Signature]*  
*[Signature]*  
*Lisa Gady*  
*[Signature]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER - DATE

02670 MAY 15 2013

FPSC-COMMISSION CLERK

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**Issue 2:** Should the Commission grant OPC's Request for Oral Argument?

**Recommendation:** No. If the Commission denies staff's recommendation on Issue 1, staff does not believe that the Commission should grant oral argument on OPC's Motion for Reconsideration, as the issues set forth in OPC's Motion for Reconsideration are clear. Staff does not believe that oral argument is necessary to aid the Commission in its deliberation.

**DENIED** *oral argument was allowed.*

**Issue 3:** Should the Commission grant OPC's Motion for Reconsideration of Commission Order No. PSC-13-0175-PCO-EI ?

**Recommendation:** No. The Commission should deny the Motion for Reconsideration. OPC has failed to identify a point of fact or law that was overlooked or which the Prehearing Officer failed to consider in Order No. PSC-13-0175-PCO-EI.

**APPROVED**

**Issue 4:** Should this docket be closed?

**Recommendation:** No. This docket should remain open pending the resolution of the underlying issues in this proceeding.

**APPROVED**