

Diamond Williams

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To: Filings@psc.state.fl.us
Cc: Matilda Sanders; Anna Norris
Subject: Docket No. 110009 -EI - Stipulation
Attachments: PEF Phase Stipulation Final 8-15.docx

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 110009-EI

In re: Nuclear Cost Recovery Clause

c. Documents being filed on behalf of Office of Public Counsel

d. There are a total of 2 pages.

e. The document attached for electronic filing is (PEF Phase Stipulation)

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8/15/2011

PEF Phase Stipulation

1. As a compromise in settlement, Progress (PEF) agrees to permanently forgo collection of \$500,000 in Project Management Costs to resolve Issue 31. This adjustment will be recognized in the order issued in Docket 110009-EI, but the full revenue requirement effect will be reflected as a true-up in the March 2012 NFRs.
2. For 2009 & 2010 CR3 EPU project costs, the parties do not object to the Commission making a final prudence determination for those costs pursuant to Sections 366.93 and 403.519(4), Fla. Stat. in the 2011 NCRC docket. In so agreeing the parties maintain and do not waive, concede, or give up their right to offer any testimony in any other FPSC docket, nor do they waive, concede, or give up any remedy at law that may exist in any other docket.
3. PEF will not offer Jon Franke's May 2, 2011 Direct Testimony or Exhibits or his July 25, 2011 Rebuttal Testimony or Exhibits in the 2011 NCRC proceedings.
4. All witnesses in the PEF phase of the case shown on pages 5 & 6 of the prehearing order are stipulated except for Foster, Elnitsky and Jacobs. Foster will present direct and rebuttal at the same time but will not be subject to excusal until Elnitsky's Direct testimony is concluded. A public version of the July 21, 2011 deposition of Staff Witnesses Coston and Carpenter will be admitted as an exhibit in the record.
5. The order of witnesses for the PEF phase of the case will be as follows and replace the PEF phase witness order listing on pages 5 & 6 of the Prehearing Order:

DIRECT

1. Thomas G. Foster (Direct and Rebuttal together and subject to recall at the conclusion of John Elnitsky's Direct)
2. John Elnitsky
3. William R. Jacobs

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REBUTTAL

1. John Elnitsky

As a consequence, the prefiled testimony and exhibits of the following witnesses will be entered into the record by stipulation and the witnesses will be excused from being present at the hearing:

- a. Will Garret
- b. Jon Franke
- c. Sue Hardison
- d. William Coston
- e. Kevin Carpenter
- f. Jeffery A. Small

s/Charles J. Rehwinkel
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