

Matilda Sanders

From: Minimushomines@aol.com
Sent: Friday, January 04, 2008 1:22 PM
To: Filings@psc.state.fl.us
Cc: Theresa Walsh; Jennifer Brubaker; Charles Beck; Bill_Feaster@fpl.com; bryan_anderson@fpl.com; wade_litchfield@fpl.com; dan.ohagan@fmpa.com; fred.bryant@fmpa.com; jessica_cano@fpl.com; jody.lamar.finklea@fmpa.com; john_butler@fpl.com; karen.culpepper@fmpa.com; Ken Hoffman; kksionek@ouc.com; Natalie_Smith@fpl.com; roger@fmpa.com; ryoung@yvlaw.net; vkaufman@asglegal.com; wmiller@mbolaw.com; zeasterling@ouc.com
Subject: 070650-EI Bob and Jan Krasowski Prehearing Statement.
Attachments: 070650-EI, Bob and Jan Krasowski, prehearing statement.doc

Dear PSC Clerk,

Please find attached, Bob Krasowski and Jan M. Krasowski (The Krasowskis) Pre hearing statement for Docket 070650-EI

a. person responsible for filing:

Bob Krasowski
1086 Michigan Ave.
Naples, Florida 34103
239-434-0786 H
239-963-6285 C
minimushomines@aol.com

b.Docket # 070650-EI

c.Filed on behalf of Bob Krasowski and Jan M. Krasowski

d. There are 11 pages

e. The document attached for electronic filing is Bob and Jan M. Krasowski's (Krasowskis) Pre hearing statement for Docket 070650-EI Turkey Point Nuclear Units 6 and 7 Electrical Power Plant proposal.

Thank you for your attention and cooperation to this request.

Start the year off right. Easy ways to stay in shape in the new year.

DOCUMENT NUMBER-DATE

00097 JAN-4 8

FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

Re: Florida Power and Light Company's
Petition to Determine Need for FPL Turkey Point
Nuclear Units 6 and 7 Electrical Power Plant

DOCKET NO. 070650-EL

Dated: January 4, 2008

INTERVENORS BOB AND JAN KRASOWSKI'S PREHEARING STATEMENT

Pursuant to Order No. PSC-07-0869-PCO-EL, issued October 30, 2007,

Intervenors, Bob and Jan Krasowski hereby file their Prehearing Statement.

1. All known Witnesses.

None.

2. All known exhibits.

None at this time. Pursuant to Order No. PSC-07-0869-PCO-EL, issued October 30, 2007, #IV and # VII, E, we reserve the right to present exhibits at the Prehearing conference scheduled for January 14, 2008.

3. Basic Position Statement

A large variety of efficient resource management as well as power management and generating options are available to the utilities that service the residential, institutional and business energy demands of Florida. In assessing the options for meeting these energy demands we have come to the conclusion that the nuclear project proposed by FP&L for Turkey Point does not represent the best choice available to service FP&L customers. We contend that when compared to other options and strategies the Turkey Point 6&7 proposal poses an extended period of economic risk that is unreasonable and diminishes the economic wellbeing of FPL's Florida customers now and in the future. Therefore, we request that the petition for determination of need for Turkey Point 6&7 be denied.

FP&L's representatives allege that the Turkey Point 6&7 proposed project meets the needs criteria established by the State of Florida in FS403.519(4) in that the project contributes to FPL's power system's reliability and integrity, it's fuel diversity, base load generation capacity, and its effort to deliver adequate electricity at a reasonable cost. That it continues to be a viable option after any renewable energy sources and technologies or conservation measures that may be

taken or are reasonably available to FPL that might mitigate the need for the proposed generating units has been considered, while also providing the most cost effective source of power.

It is our belief, based on our research, that the projected cost of this proposal as alleged by FP&L does not represent an accurate assessment of the actual costs of the project. That the cost of managing the waste associated with this nuclear project has not been accurately identified. Future costs attributed to CO2 and other green house gas (GHG) emissions attributed to the mining, milling, and refining of nuclear fuel have not been adequately accounted for. Potential cost charged for radioactive emissions from mining and operations are not mentioned. The availability and cost of water need to be considered.

It is our contention that every dollar of FP&L rate payer money (14 to 24 Billion Dollars) proposed to be spent on the proposed Turkey Point 6&7 nuclear power project could be better spent on efficiency, conservation and renewables; financing programs that may include embellishing existing or creating new DSM programs, leveraging through cost sharing the expansion of net metering / distributive energy programs. The integration of solar thermal and geo thermal applications can mitigate peak load. The more efficient use of the existing base load can eliminate the need for new base load capacity. We also see a slowing of growth in Florida that calls into question the proponent's projection for need. New building design criteria will also reduce the need for new generation.

4. **Statement of Positions and issues**

ISSUE 1: Is there a need for the proposed generating units, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes?

Position: No, the current and future needs of Floridian's power can be met with greater reliability and integrity with the implementation of efficiency/conservation measures, the graduated increased use of renewable technologies, a generous net metering / distributive energy program.

ISSUE 2: Is there a need for the proposed generating units, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes?

Position: No, distributive generation of thermal and pv solar and gas capture for agriculture are preferred methods of establishing fuel diversity over nuclear in the existing energy needs environment.

ISSUE 3: Is there a need for the proposed generating units, taking into account the need for base-load generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes?

Position: No, there already exists sufficient base-load. Future base-load and current base-load can incrementally be provided and replaced by efficiency and cleaner new renewable applications. Population decline and greater efficiencies allow current existing base-load capacity to satisfy the need.

ISSUE 4: Is there a need for the proposed generating units, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes?

Position: No, reasonable cost has not been established here. The cost of the waste storage, CO2 and other greenhouse gases related to fuel

assessment are not complete. Water costs remain a question. We already have adequate electricity. The economic costs of insuring the risks associated with an unforeseen event may be limited to FPL but extend to the overall population in the amount of billions and billions of dollars and need to be considered in the cost/risk assessment and in relationship to the other options.

ISSUE 5: Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?

Position: Yes, (An assessment of the meaning of the word reasonable is seriously necessary in regard to this issue). Enormous opportunities for efficiency and conservation, distributive energy and clean technologies exist.

ISSUE 6: Will the proposed generating units provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes?

Position: No, this project's costs must be compared with an equal amount of analysis to a renewable/ efficiency option. The proposed nuclear project time line extends over a period that would allow the monies dedicated to the project to incrementally provide for FPL customer energy needs by the use of efficiency programs, elevated standards of power usage and investments in clean energy technologies, without the costly, problematic issues of long term toxic waste management, among other things.

ISSUE 7: Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light Company's petition to determine the need for the proposed generating units?

Position: No

ISSUE 8: Should this docket be closed?

Position: Yes, this docket should be closed and FPL's petition denied

due to the lack of adequate analysis of all reasonable options and the extreme risk and inability to project accurate costs which in turn stifles the development and investment in efficiency and new clean technologies

Additional Issues

FPL

ISSUE 9: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, should the Commission's order expressly state support for the development of new nuclear generation, affirm the need to take steps now to preserve new nuclear generation as a resource option to meet future customer needs, acknowledge the risks and costs associated with a project of such magnitude and the corresponding stepwise role of the annual review process and emphasize the importance of continued regulatory support throughout the process? (FPL 8)

Position: It is our position, as stated during the effort to identify issues, that issues 9-12 are not appropriately placed in this docket. In particular reference to issue 9 if we are incorrect in our assessment of the inappropriateness of the placement of these issues in this docket we have listed an additional issue for ourselves that is identified in the pending motions portion of this document that requests specific actions by the PSC in the event they deny this petition.

ISSUE 10: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, is it prudent for FPL to make advance payments for such long-lead procurement items as are reasonably necessary to preserve the potential for 2018-2020 in-service dates for the proposed generating units? (FPL 9)

Position: No, we believe issue 10 is not appropriate for this docket.

ISSUE 11: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, are prudent advance

payments made prior to the completion of the proposed generating units' site clearing work properly characterized as "pre-construction costs," to be recovered pursuant to the mechanism provided in Rule 25-6.0423, F.A.C.? (FPL 10)

Position: No, we believe issue 11 is not appropriate for this docket

ISSUE 12: If FPL were to file for recovery by May 1, 2008, would pre-construction costs associated with the proposed generating units that the Commission determines are reasonable and prudent be included for cost recovery purposes as a component of the 2009 Capacity Cost Recovery Factor in the annual Fuel and Purchased Power Cost Recovery proceeding, pursuant to Rule 25-6.0423(5) (c), F.A.C.? (FPL 11)

Position: No, we believe issue 12 is not appropriate for this docket

FMPA/FMEA

ISSUE 13: Does FPL's nuclear power plant petition contain a summary of any discussions with other electric utilities regarding ownership of a portion of the plant by such electric utilities, consistent with the requirements of Rule 25-22.081, F.A.C.? (FMPA/FMEA 7)

Position: No, and the fact that FPL's petition does not contain a summary of any discussions they had with other electric utilities regarding ownership of the portion of the plant should be rectified by FPL amending their original petition to include the required information or, if there have been no preliminary discussions as claimed, and no summary is possible, FPL should be required to withdraw their present petition and submit an accurate correct one starting from square one.

OUC

ISSUE 14: Does not 403.519(4)(b), Fla. Stat., stating that the Commission shall "take into account matters within its jurisdiction, which it deems relevant" allow the Commission to conclude that co-ownership is relevant especially in

light of (4)(b)(2) which requires the Commission to consider whether the approval will enhance the reliability of power production within the state (not just in FPL's territory) and (4)(b)(3) requiring the Commission to take into account the plant's contribution to the long-term stability and reliability of the electric grid? (OUC 1)

Position: No.

ISSUE 15: Did Florida Power and Light's Petition, as required by Rule 25-22.081 (2) (d) F.A.C., contain a summary of any discussions Florida Power and Light had with other electric utilities concerning the other electric utilities' ownership of a portion of the Florida Power and Light nuclear plant? (OUC 2)

Position: No, and the fact that FPL's petition does not contain a summary of any discussions they had with other electric utilities regarding ownership of the portion of the plant should be rectified by FPL amending their original petition to include the required information or, if there have been no preliminary discussions as claimed, and no summary is possible, FPL should be required to withdraw their present petition and submit an accurate correct one starting from square one.

ISSUE 16: Does 403.519(4)(a)(5), Fla. Stat., and Rule 25-22.081(2)(d) F.A.C., create any duty on Florida Power & Light ("FPL") to initiate discussion with other utilities that might have an interest in ownership of a portion of the nuclear plants or is this legislation and rule meaningless and may be ignored all together (FPL says they can satisfy law and rule by not having any discussions and reporting that fact at FPL Response, Paragraph 2, page 2)? (OUC 4)

Position: No, to the following sentence, "Does 403.519(4)(a)(5), Fla. Stat., and Rule 25-22.081(2)(d) F.A.C., create any duty on Florida Power & Light ("FPL") to initiate discussion with other utilities that might have an interest in ownership of a portion of the nuclear plants."

No to the following portion of issue 16 "or is this legislation and rule meaningless and may be ignored all together."

Yes to the following portion of issue 16 “FPL says they can satisfy law and rule by not having any discussions and reporting that fact” (See our position on issue 14)

ISSUE 17: Does OUC, a utility that presently has ownership in two nuclear power plants, have a substantial interest in having meaningful discussions with Florida Power & Light regarding ownership of a portion of the nuclear power plants at issue here as required by 403.519(4)(a)(5), Fla. Stat.?? (OUC 5)

Position: No, no such requirement exists

ISSUE 18: Should the Commission infer any intent by Legislature from actions that were not taken by the Legislature (an amendment was proposed but withdrawn)? (OUC 6)

Position: No.

Seminole

ISSUE 19: Has FPL engaged in meaningful discussions with other electric utilities regarding ownership of a portion of the proposed nuclear plants by such utilities? (SEMINOLE 7)

Position: Yes, FPL has stated in their petition on page 37 IX that “FPL has held preliminary discussions regarding the potential for ownership participation with several Florida utilities who have expressed interest. As FPL proceeds through the licensing phase and begins dedicated commercial negotiations with the selected vendor, opportunities for partnership with Florida utilities will continue to be explored.” The fact that FPL’s petition does not contain a summary of any discussions they had with other electric utilities regarding ownership of the portion of the plant should be rectified by FPL amending their original petition to include the required information or, if there have been no preliminary discussions as claimed, and no summary is possible, FPL should be required to withdraw their present petition and submit an accurate correct one starting from square one.

ISSUE 20: If not, should the Commission require such discussions? (SEMINOLE 8)

Position: No, only a summary is provided by law.

5. Stipulated issues
None at this time.

6. Pending motions and other matters upon which action is sought

If the commission denies FPL's petition for the determination of need for the proposed units, should the commission order expressly state support for a comprehensive analysis of all energy efficiency and conservation opportunities, all clean renewable generating options and the value of an expanded net metering/distributive energy program and research into the application of innovative methods of reordering the competitive marketplace in Florida to more effectively and prudently address the energy needs of the State's residents financed with the billions of that would have been used to pay for the nuclear power plants?

7. Pending claim for confidentiality
None at this time

8. Objections to witness qualifications as an expert, none.
None at this time

9. Compliance with Order No, PSC-07-0869-PCO-El,
At this time persons who are intervenors are unaware of any requirements of the Order Establishing procedure with which they can not comply.

Respectfully submitted this 4th day of January, 2008.

s/ Bob Krasowski
s/ Jan Krasowski
Bob and Jan Krasowski
1086 Michigan Ave.
Naples, FL.34103-3857
239-434-0786

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Prehearing Statement has been furnished by electronic mail and/or U.S. Mail this 3rd and 4th day of January, 2008, to the following:

Florida Public Service Commission
Jennifer Brubaker, Esq.
2540 Shumard Oak Blvd.
Tallahassee, FL 3299-0850
jbrubake@psc.state.fl.us

Florida Power & Light Company
Mr. Wade Litchfield
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859
wade_litchfield@fpl.com

Florida Power & Light Company
Stephen L. Huntoon
801 Pennsylvania Avenue N.W.
Washington, D.C. 20004
stephen_huntoon@fpl.com

John T. Butler, Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
John_Butler@fpl.com

Florida Power & Light Company
Jack Leon
9250 W. Flagler Street, Suite 6514
Miami, FL 33174
jack_leon@fpl.com

Orlando Utilities Commission
Ken Ksionek/Zoila P. Easterling
500 South Orange Avenue
Orlando, FL 32801
kksionek@ouc.com

Department of Community Affairs

Department of Environmental

Charles Gauthier
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
charles.gauthier@dca.state.fl.us

Michael P. Halpin
Siting Coordination Office
2600 Blair Stone Road, MS 48
Tallahassee, FL 32301
Mike.Halpin@dep.state.fl.us

Bob and Jane Martins Krasowski
1086 Michigan Avenue
Naples, FL 34103
Minimushomines@aol.com

Office of Public Counsel
Charles Beck
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
beck.charles@leg.state.fl.us

Rutledge Law Firm
Kenneth A. Hoffman
Post Office Box 551
Tallahassee, FL 32302-0551
ken@reuphlaw.com

Seminole Electric Cooperative, Inc.
Timothy S. Woodbury
Post Office Box 272000
Tampa, FL 33688-2000
tnovak@Seminole-Electric.com

Anchors Law Firm
Vicki Gordon Kaufman
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@asglegal.com

Mark Oncavage
Sierra Club, Miami Group
12200 SW 110 Avenue
Miami, FL 33176
oncavage@bellsouth.net

Miller, Balis & O'Neil, P.C.

Florida Alliance for a Clean

William T. Miller
1140 19th Street, NW., Suite 700
Washington, D.C. 20036
wmiller@mbolaw.com

Bob Krasowski
1086 Michigan Avenue
Naples, FL 34103
Alliance4Cleanfl@aol.com

Clean Water/Clean Water Fund
Dawn Shirreffs, South Florida Community
190 Ives Dairy Road, Suite 106
Miami, FL 33179
dshirreffs@cleanwater.org

Katherine Fleming, Esq.
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
KEFLEMIN@psc.state.fl.us

Roy C. Young
Young Law Firm
225 S. Adams St., Suite 200
Tallahassee, FL 32301
ryoung@yvlaw.net

CRA International
Edward Kee
1201 F Street NW
Washington, D.C. 20004
eke@crai.com

DANIEL B. O'HAGAN
FREDERICK M. BRYANT
JODY LAMAR FINKLEA
2061-2 Delta Way (32303)
Post Office Box 3209
Tallahassee, Florida 32315-3209
fred.bryant@fmpa.com
jody.lamar.finklea@fmpa.com
dan.ohagan@fmpa.com