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Sent: Friday, January 04, 2008 3:35 PM
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Subject: e-filing (Dkt. 070650-EI)
Attachments: 070650 Citizens Prehearing Statement.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 070650-EI

In re: Petition to determine need for Turkey Point Nuclear Units 6 and 7 electrical power plant, by Florida Power & Light Company.

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

d. There are a total of 10 pages.

e. The document attached for electronic filing is Citizens Prehearing Statement.

(See attached file: 070650 Citizens Prehearing Statement.sversion.doc)

Thank you for your attention and cooperation to this request.

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1/4/2008

DOCUMENT NUMBER-DATE

00119 JAN-4 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Turkey Point Nuclear Units 6 and 7 electrical power plant, by Florida Power & Light Company.

Docket No. 070650-EI

Filed: January 4, 2008

CITIZENS' PREHEARING STATEMENT

In accordance with the Order Establishing Procedure, Order No. PSC-07-0869-PCO-EI issued October 30, 2007, the Citizens of Florida, through the Office of Public Counsel, file this Prehearing Statement.

WITNESSES

Citizens have not prefiled testimony by any witness.

EXHIBITS

Citizens have not prefiled any exhibits.

STATEMENT OF BASIC POSITION

Although there is uncertainty associated with currently emerging energy policy decisions at the state and federal level, including carbon dioxide emission regulation, the Commission must take into account the very high probability of carbon dioxide emission regulation during the economic lives of the proposed Turkey Point Nuclear Units 6 and 7. The magnitude of carbon and other emission costs will affect the cost effectiveness of the proposed plants compared to alternatives such as combined cycle gas plants and IGCC plants.

DOCUMENT NUMBER-DATE

00119 JAN-4 8

FPSC-COMMISSION CLERK

STATEMENT OF ISSUES AND POSITIONS

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?

OPC Position: No position at this time.

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?

OPC Position: No position at this time.

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?

OPC Position: No position at this time.

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?

OPC Position: No position at this time.

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?

OPC Position: No position at this time.

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?

OPC Position: No position at this time.

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?

OPC Position: No position at this time.

ISSUE 8: Should this docket be closed?

OPC Position: No position at this time.

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 through the process? (FPL 8)

OPC Position: No position at this time.

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)

OPC Position: No position at this time.

ISSUE 11: If the Commission grants Florida Power & 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)

OPC Position: This issue is not relevant to the matter of whether there is a need for Turkey Point Nuclear Units 6 and 7 and is not ripe for adjudication. The issue should be taken up at such time that FPL seeks to recover specifically identifiable pre-construction costs in a separate proceeding.

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)

OPC Position: This issue is not relevant to the matter of whether there is a need for Turkey Point Nuclear Units 6 and 7 and is not ripe for adjudication. The issue should be taken up at such time that FPL seeks to recover specifically identifiable pre-construction costs in a separate proceeding.

ISSUE 13: Whether FPL has adequately summarized its discussions with other electric utilities regarding ownership of a portion of FPL's proposed nuclear power plant by such other electric utilities. (FMPA/FEMA 7)

OPC Position: No position at this time.

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? (OUC1)

OPC Position: No position at this time.

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)

OPC Position: No position at this time.

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)

OPC Position: No position at this time.

ISSUE 17: Does OUC, a utilities 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. State?? (OUC 5)

OPC Position: No position at this time.

ISSUE 18: Should the Commission infer any intent by Legislature from actions that were not taken by the Legislature (an amendment was proposed by

withdrawn)? (OUC 6)

OPC Position: No position at this time.

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)

OPC Position: No position at this time.

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

OPC Position: No position at this time.

STIPULATED ISSUES

None.

PENDING MOTIONS

None.

STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

Citizens have no pending requests for claims for confidentiality.

OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT

Citizens do not challenge the qualification of any witness.

STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE

Citizens have complied with the order establishing procedure.

Respectfully submitted,

s/ Charlie Beck
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Citizens' Prehearing Statement has been furnished by electronic mail and U.S. Mail to the following parties on this 4th day of January, 2008, to the following persons:

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