

**Dorothy Menasco**

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**From:** Mike Twomey [miketwomey@talstar.com]  
**Sent:** Thursday, March 20, 2008 4:46 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** AARP Petition to Intervene in Docket No. 080119-EI

**Attachments:** AARP Petition to intervene in Docket 080119 March 20, 2008.doc



AARP Petition  
o intervene in ..

Electronic Filing

a. Person responsible for this electronic filing:

Michael B. Twomey, Post Office Box 5256, Tallahassee, Florida  
32314-5256

b. Docket No. 080119-EI

In re: Nuclear Power Plant Cost Recovery Clause

c. The document is being filed on behalf of AARP

d. There are a total of 6 pages.

e. The document attached for electronic filing is AARP's Petition to Intervene

Thank you,

Michael B. Twomey  
(850) 421-9530

*updated 3/21/08  
E.V.N*

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant )  
Cost Recovery Clause ) DOCKET NO. 080119-EI  
 ) FILED: March 20, 2008  
 )  
\_\_\_\_\_ )

**AARP PETITION TO INTERVENE**

Pursuant to Sections 120.569 and 120.57(1), Florida Statutes and Rules 25-22.039, and 28-106.205, Florida Administrative Code, AARP, through its undersigned attorney, files its Petition to Intervene and in support thereof, states as follows:

1. The name and address of the affected agency is:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

2. The name and address of the petitioner is:

AARP  
200 West College Street  
Tallahassee, Florida 32301

3. All pleadings, motions, orders and other documents directed to the petitioner

should be served on:

Michael B. Twomey  
Post Office Box 5256  
Tallahassee, Florida 32314-5256  
Phone: (850) 421-9530  
Email: [miketwomey@talstar.com](mailto:miketwomey@talstar.com)

4. Florida Power & Light Company ("FPL") is a regulated electric utility serving approximately 4.5 million retail customers throughout portions of the State of Florida.

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FPSC-COMMISSION CLERK

5. Progress Energy Florida, Inc. (“PEF”) is a regulated electric utility serving approximately 1.7 million retail customers throughout portions of the State of Florida.

6. AARP is a nonprofit membership organization dedicated to addressing the needs and interests of persons 50 and older. AARP has staffed offices in all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. AARP represents more than 39 million members in total, approximately 2.9 million of whom reside in the State of Florida. AARP’s Florida members reside throughout the state and a very significant number of them are retail residential customers of either FPL or PEF.

#### **AARP Florida Members’ Substantial Interests Affected**

7. As stated above, AARP has approximately 2.9 million members in the State of Florida, a significant number of whom reside in either FPL’s or PEF’s service territories and take their electric service from these utilities. Therefore, many of AARP’s members will be substantially affected by any action the Commission takes in this docket, which will necessarily include retail rate increases in the form of Nuclear Power Plant Cost Recovery Clause payments if the utilities’ requested relief is granted.

#### 8. Statement of Affected Interests

The Commission will decide in this docket whether it should approve the utilities’ construction cost expenditures related to the “Uprate Projects” of their respective nuclear generating units. While purported to return substantial net benefits to their customers, these projects have substantial costs that the utilities intend be borne by their customers, including many of AARP’s Florida members. For example, FPL’s March 3, 2008 petition seeks

Commission approval of \$8,236,652, net jurisdictional, for construction cost expenditures incurred by FPL for the period ending December 2007. The total uprate costs for the four FPL nuclear units are substantially greater, however. According to Order No. PSC-08-0021-FOF-EI, which approved the “need” to uprate the units, the estimated nominal costs for the Turkey Point and St. Lucie units, not including construction carrying costs, are approximately \$750 million and \$651 million, respectively. The related transmission system upgrades are estimated to cost another \$45 million. PEF, on the other hand, seeks \$928,895 in carrying costs associated with its 2006 and 2007 uprate expenditures in its current petition. However, as reflected in its initial petition filed in Docket No. 060642-EI seeking recovery for the uprate costs of its Crystal River No. 3 nuclear unit, PEF estimated that the total cost for the uprate project, including anticipated transmission changes, is \$381.8 million. The costs currently sought for recovery by these two utilities, as well as the future amounts associated with their total projects, will affect the substantial interests of AARP’s members served by FPL and PEF by increasing the members’ electric bills, thus reducing the monies they have to spend on their other needs.

9. AARP’s members taking retail electric service from FPL and PEF have interests of the type this proceeding is designed to protect. See *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2<sup>nd</sup> DCA 1981). As described above, the purpose of the proceedings in this docket is to evaluate FPL’s and PEF’s requests to recover from customers their respective costs and expenditures associated with the uprate improvements to their nuclear generating units, to determine if those costs are reasonable and prudent and, thus, appropriate for recovery.

10. Disputed Issues of Material Fact.

AARP is not currently aware of any disputed issues of material fact but believes it reasonable to conclude that there may be disputed issues of material fact related to the reasonableness and prudence of the amounts sought for recovery by each utility as discovery progresses in each case. If questions as to reasonableness and prudence are raised, then the Commission may be required to resolve them through an evidentiary hearing pursuant to Chapter 120, Florida Statutes. Such potential disputed issues of material fact may include, but are not limited to, the following:

- a. Are the amounts sought by FPL in its instant petition reasonably and prudently incurred in the uprate projects of its Turkey Point and St. Lucie nuclear units?
- b. Are the amounts sought by PEF in its instant petition reasonably and prudently incurred in the uprate project of its Crystal River nuclear unit?

11. Statement of Ultimate Facts Alleged.

FPL and PEF must prove that all Nuclear Power Plant Cost Recovery Clause costs sought for recovery in this docket are necessary, reasonable and prudent, related to their respective uprate projects and are, thus, appropriate for recovery from their respective ratepayers.

12. Statutes and Rules that Require the Relief Requested by AARP.

Statutes and rules that require the relief requested by AARP include, but are not limited to, Sections 120.569, 120.57(1), 366.04(1), 366.041, 366.05(1), 366.06(1) and (2), 366.07, and 403.519, Florida Statutes, and Rule 25-22.039 and Chapter 28-106, Florida Administrative Code.

WHEREFORE, AARP requests that this Commission grant it intervenor status in this docket as a full party on behalf of the significant number of its approximately 2.9 million Florida members

taking retail electric service from either Florida Power and Light Company or Progress Energy Florida, Inc.

Respectfully submitted,

/s/ Michael B. Twomey

Michael B. Twomey

Attorney for AARP

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of this petition has been served by  
electronic mail this 20th day of March, 2008 on the following:

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Florida Public Service Commission  
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Tallahassee, Florida 32399-0850

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/s/ Michael B. Twomey  
Attorney