

Marguerite McLean

110018-EU

**From:** danlarson [danlarson@bellsouth.net]  
**Sent:** Wednesday, February 09, 2011 4:56 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** ken.hoffman@fpl.com; will.cox@fpl.com; richzambo@aol.com; marsha@reuphlaw.com; mhammond@swa.org  
**Subject:** Electronic Filing (Docket No. 110018-EU)  
**Attachments:** Petition to Intervene.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Mr. & Mrs. Daniel R. Larson  
16933 W. Narlena Dr.  
Loxahatchee, FL 33470  
Phone: (561) 791-0875  
[danlarson@bellsouth.net](mailto:danmarson@bellsouth.net)

b. Docket No. 110018-EU

In re: Joint petition for modification to determination of need for expansion of an existing renewable energy electrical power plant in Palm Beach County by Solid Waste Authority of Palm Beach County and Florida Power & Light Company, and for approval of associated regulatory accounting and purchased power agreement cost recovery.

c. Document being filed on behalf of:

Mr. & Mrs. Daniel R. Larson  
16933 W. Narlena Dr.  
Loxahatchee, FL 33470  
Phone: (561) 791-0875  
[danlarson@bellsouth.net](mailto:danmarson@bellsouth.net)

d. There are a total of 5 pages.

e. The document attached for electronic filing is: Petition to Intervene.pdf

Thank you for your attention and cooperation to this request.

Sincerely,

s/ Daniel R. Larson  
Daniel R. Larson  
Petitioner

s/ Alexandria Larson  
Alexandria Larson  
Petitioner

2/9/2011

*Handwritten:* 2/10/11  
D. Larson  
Petitioner

DOCUMENT NUMBER: CA11  
00947 FEB-9 =

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint petition for modification to determination of need for expansion of an existing renewable energy electrical power plant in Palm Beach County by Solid Waste Authority of Palm Beach County and Florida Power & Light Company, and for approval of associated regulatory accounting and purchased power agreement cost recovery.

DOCKET NO.: 110018-EU

FILED: February 9, 2011

**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, Mr. Daniel R. Larson and Mrs. Alexandria Larson, Husband and Wife, jointly file their Petition to Intervene in the above captioned docket. In support thereof, the petitioners state as follows:

1. Name and address of the affected agency.

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

2. Name and address of the petitioners.

Mr. & Mrs. Daniel R. Larson  
16933 W. Narlena Dr.  
Loxahatchee, FL 33470

3. Service. All pleadings, motions, orders and other documents directed to the petitioners should be served on:

Mr. & Mrs. Daniel R. Larson  
16933 W. Narlena Dr.  
Loxahatchee, FL 33470  
Phone: (561) 791-0875  
[danlarson@bellsouth.net](mailto:danlarson@bellsouth.net)

DOCUMENT NUMBER-DATE

00947 FEB-9 =

FPSC-COMMISSION CLERK

4. Notice of Docket. Petitioners received notice of this docket by reviewing the above captioned docket on the Florida Public Service Commission (FPSC) website.
  
5. Statement of Substantial Interests. Petitioners are residential customers of Florida Power & Light Company (FPL) and served at the above listed address. The FPL electric bill constitutes a significant portion of the petitioners' monthly household expense. The petitioners have a substantial interest in the above captioned docket as approval of the proposed modification will impact their electric rates. Additionally, the joint petition does not specifically identify the FPL avoided unit to be used for the advanced capacity payment<sup>1</sup> and energy payment associated with the proposed Expanded facility. Furthermore, SWA and FPL has not yet provided the Commission with the negotiated Power Purchase Agreement (PPA) for the Expanded facility. The cutoff date for discovery is April 4, 2011, and the formal hearing is currently scheduled for April 7, 2011, in the above captioned docket. Petitioners allege that a member of Commission staff noted that the application was incomplete during the noticed meeting held on February 9, 2011. Petitioners share this concern based upon the lack of specific details regarding the avoided unit and PPA. Given the critical dates in the above caption docket, petitioners are unsure how the Commission staff can properly evaluate the proposed modifications under these time constraints. Based upon the above, petitioners hereby file a Petition to Intervene in the above captioned docket to protect to their substantial interests and due process rights in the proceeding.

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<sup>1</sup> The advanced capacity payment is projected to be approximately \$36 million dollars and will be recovered from FPL ratepayers through the ECCR clause to fund the cost of electrical component for the Waste to Energy facility pursuant to section 377.709, Florida Statutes.

6. Standing. Petitioners are residential customers of FPL. Moreover, the petitioners' substantial interests are of the type that this proceeding is designed to protect. See, Agrico Chemical Company v. Department of Environmental Regulation, 406 So.2d 478 (Fla. 2nd DCA 1981). The purpose of the proceeding is to evaluate the proposed modification to the determination of need for expansion of the SWA facility previously granted by the Commission and consider the PPA cost recovery. The petitioners have a substantial interest in the above captioned docket as approval of the proposed modification will impact their electric rates. Accordingly, the proceeding in the above captioned docket *directly coincides with the substantial interests of the petitioners to ensure that FPL rates are fair, just, and reasonable.*
  
7. Petition to Intervene. Petitioners hereby request the Commission to grant the Petition to Intervene in the above captioned docket on the basis set forth in Paragraphs 1-6 above.
  
8. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to the following:
  - a. Identification of the avoided unit to evaluate the cost effectiveness of the PPA
  - b. What are the negotiated terms of the PAA as agreed to by the parties?
  - c. Is there a need for the additional proposed capacity?
  - d. Whether the additional generating capacity is included within the ten year site plan?

**WHEREFORE**, petitioners respectfully request the Commission to enter an order granting the Petition to Intervene in the above captioned docket.

s/ Daniel R. Larson  
Daniel R. Larson  
Petitioner

s/ Alexandria Larson  
Alexandria Larson  
Petitioner

16933 W. Narlena Dr.  
Loxahatchee, FL 33470  
Phone: (561) 791-0875  
[danlarson@bellsouth.net](mailto:danlarson@bellsouth.net)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following via Electronic Mail this 9th day of February, 2011 to all parties of record as indicated below.

s/ Daniel R. Larson  
Daniel R. Larson  
Petitioner

s/ Alexandria Larson  
Alexandria Larson  
Petitioner

<p>Florida Power &amp; Light Company Mr. Ken Hoffman 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858 Phone: (850) 521-3900 Fax: (850) 521-3939 Email: <a href="mailto:ken.hoffman@fpl.com">ken.hoffman@fpl.com</a></p> <p>Florida Power &amp; Light Company Bryan S. Anderson/William P. Cox/Eric 700 Universe Boulevard Juno Beach, FL 33408-0420 Phone: 561-304-5253 Fax: 561-691-7135 Email: <a href="mailto:will.cox@fpl.com">will.cox@fpl.com</a></p> <p>Richard A. Zambo, P.A. Richard A. Zambo 2336 S.E. Ocean Boulevard, #309 Stuart, FL 34996 Phone: 772-221-0263 Fax: 772-283-6756 Email: <a href="mailto:richzambo@aol.com">richzambo@aol.com</a></p>	<p>Rutledge Law Firm Marsha E. Rule 119 South Monroe Street, Suite 202 Tallahassee, FL 32301 Phone: 850-681-6788 Fax: 681-6515 Email: <a href="mailto:marsha@reuphlaw.com">marsha@reuphlaw.com</a></p> <p>Solid Waste Authority Executive Director 7501 North Jog Road West Palm Beach, FL 33412 Phone: 561-640-4000 Fax: 561-640-3400 Email: <a href="mailto:mhammond@swa.org">mhammond@swa.org</a></p>
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