

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED FPSC

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

11 APR -5 PM 2:41

COMMISSION CLERK

Date: April 5, 2011

SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, FLORIDA'S NOTICE OF FILING PROOF OF PUBLICATION

The Solid Waste Authority of Palm Beach County hereby files and serves Notice that on this day it has filed the original Proof of Publication of the notice of prehearing and hearing in the above docket, which includes a copy of the published notice. The notice was published in the Palm Beach Post on March 28, 2011.

Respectfully submitted,

Richard A. Zambo (handwritten signature)

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I hereby certify the foregoing has been served by U. S. mail and email the following persons on this 5th day of April, 2011:

Florida Public Service Commission:

Adam Teitzman
Larry Harris
Florida Public Service Commission
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Attorney

THE PALM BEACH POST
Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION


STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Ellen Sanita**, who on oath says that she is **Call Center Revenue Manager** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Commission Hearing** was published in said newspaper in the issues of **March 28, 2011**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 28th day of March, A.D. 2011.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 Karen M. McLinton
Commission # DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

NOTICE OF COMMISSION HEARING TO BE HELD IN TALLAHASSEE

FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 110018-EU

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

NOTICE IS HEREBY GIVEN that an administrative hearing will be held before the Florida Public Service Commission in the above docket regarding the joint petition of Solid Waste Authority of Palm Beach County ("SWA") and Florida Power & Light Company ("FPL") (together, "Petitioners") for determination of need for an additional 93 megawatts (MW) of renewable-energy-fueled electrical generating capacity at SWA's Palm Beach County municipal solid waste processing and disposal site in Palm Beach County, Florida, and for approval of a purchase power agreement between the Petitioners, advanced funding for SWA for construction of its expanded solid waste facility, and associated regulatory accounting and cost recovery treatment for FPL. The hearing will be held at the following time and place:

Monday, April 25, 2011; 9:30 A.M.

Florida Public Service Commission
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

PURPOSE AND PROCEDURE

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for the Petitioners' proposed additional generating capacity in Palm Beach County, Florida, and to determine whether to approve the associated power purchase agreement. This proceeding shall: (1) allow the Petitioners to present evidence and testimony in support of their joint petition for determination of need for the proposed additional generating capacity, associated power purchase agreement, and associated regulatory accounting and cost recovery treatment for FPL; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) provide members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purpose as the Commission may deem appropriate.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes; Sections 377.709 and 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Under Section 403.519, the Commission is the sole forum for the determination of need for the proposed additional generating capacity. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for fuel diversity and supply reliability, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. In addition, the Commission must expressly consider any renewable energy sources and technologies or conservation measures taken by or reasonably available which might mitigate the need for the plant. The Commission may consider other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the proposed addition of generating capacity shall create a presumption of public need and necessity and shall serve as the Commission's report required by subsection 403.507(4)a, Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only those issues relating to the need for the proposed additional electric generating capacity and approval of the associated power purchase agreement and associated regulatory accounting and cost recovery treatment for FPL will be heard at this hearing. Environmental or other impacts of the proposed plant and associated facilities are matters within the jurisdiction of the Florida Department of Environmental Protection (FDEP) pursuant to the Florida Electrical Power Plant Siting Act. If necessary, separate public hearings to consider such matters may be held before the Division of Administrative Hearings at a later date.

Members of the public, who are not parties to the need determination proceeding, will have an opportunity to present testimony in Tallahassee regarding the need for the proposed plant. All members of the public who wish to offer testimony should be present at the beginning of the hearing, 9:30 A.M., Monday, April 25, 2011. All witnesses will be sworn in and will be subject to cross-examination at the conclusion of their testimony. A person does not become a party to the proceeding by providing public testimony. Anyone wishing to become a party to this need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code, with the Office of the Commission Clerk, at the address listed below. Copies of the petition must be sent by mail to all parties. Those wishing to intervene in this proceeding, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative

pursuant to Chapter 120, Florida Statutes, and Rule 28-106, 106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceedings as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

Written comments regarding the need for the proposed addition of generating capacity and associated power purchase agreement and associated regulatory accounting and cost recovery treatment for FPL may be sent to the Commission at the following address:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Re: Docket No. 110018-EU

GENERAL LOCATION AND PROJECT DESCRIPTION

SWA proposes to add 93 megawatts (MW) of renewable-energy-fueled electrical generating capacity at its Palm Beach County municipal solid waste processing and disposal site, which will increase SWA's currently-approved electric generating capacity from 75 MW to a total allowed site aggregate electric generating capacity of 168 MW. The proposed expanded facility will use a mass-burn combustion process in which municipal solid waste is incinerated to produce electricity. The unit is planned for commercial operation in 2015. The net electric energy produced by the Expanded Facility will be committed for sale to FPL pursuant to a purchase power agreement for firm energy to be billed monthly as electricity is produced and sold, and subject to an advanced capacity payment as provided for in Section 377.709, Fla. Stat.

PREHEARING CONFERENCE

A prehearing conference will be held at the following time and place:

Monday, April 18, 2011; 9:30 A.M.

Florida Public Service Commission
Room 148, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

The purpose of this prehearing conference is: (1) to define and limit, if possible, the number of issues; (2) to determine parties' positions on the issues; (3) to determine what facts, if any, may be stipulated; (4) to dispose of any motions or other matters that may be pending; and (5) to consider any other matters that may aid in the disposition of this case.

JURISDICTION

This Commission is vested with jurisdiction over the subject matter of this proceeding by Section 403.519, Florida Statutes.

A copy of the Petitioners' joint petition and supporting exhibits is available for public inspection during normal business hours at the following location:

Florida Public Service Commission
Office of Commission Clerk
Room 110, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

Any person requiring some accommodation at this hearing because of physical impairment should call the Office of Commission Clerk at (850) 413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

EMERGENCY CANCELLATION OF MEETING

If settlement of the case or a named storm or other disaster requires cancellation of a hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850) 413-6199.