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July 8, 2015

-VIA ELECTRONIC FILING-

Carlotta Stauffer, Director
Division of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 150009-EI; Nuclear Cost Recovery Clause

Dear Ms. Stauffer:

Please find enclosed for filing in the above referenced docket Florida Power & Light Company's ("FPL's") Prehearing Statement.

If there are any questions regarding this filing, please contact me at 561-304-5226.

Sincerely,

s/ Jessica A. Cano
Jessica A. Cano
Fla. Bar No. 0037372

Enclosures
cc: Counsel for Parties of Record (w/encl.)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost)
Recovery Clause)

Docket No. 150009-EI
Filed: July 8, 2015

FLORIDA POWER & LIGHT COMPANY’S PREHEARING STATEMENT

Florida Power & Light Company (“FPL” or the “Company”), pursuant to Section 366.93, Florida Statutes, and Rule 25-6.0423, Florida Administrative Code, hereby files with the Florida Public Service Commission (“FPSC” or “Commission”) its Prehearing Statement in connection with its Petition For Approval of Nuclear Power Plant Cost Recovery True-Up for the Period Ending December 2014, filed March 2, 2015, and its Petition For Approval of Nuclear Power Plant Cost Recovery Amount for the Year 2016, filed May 1, 2015, and states:

I. FPL WITNESSES

A. DIRECT

Witness	Subject Matter	Issues
Steven D. Scroggs FPL	Describes the deliberate, step-wise process FPL is employing in the development of the Turkey Point 6 & 7 project; provides a description of key project management decisions and internal project budget, schedule, and cost controls; supports the prudence of actual costs incurred for the project during 2014, and the reasonableness of FPL’s actual/estimated costs in 2015 and projected costs for 2016.	1-2, 3B, 3C, 4, 5, 6, 7
Nils Diaz The ND2 Group	Determines that FPL’s continued pursuit of a Combined License (“COL”) for Turkey Point 6 & 7 was prudent in 2014 in light of certain nuclear industry considerations.	4

John J. Reed Concentric Energy Advisors, Inc.	Presents Concentric Energy Advisors' review of FPL's system of internal controls as it relates to the Turkey Point 6 & 7 project in 2014; concludes that FPL's costs were prudently incurred.	2, 4
Jennifer Grant-Keene FPL	Explains FPL's compliance with Rule 25-6.0423, F.A.C.; discusses the accounting controls FPL relies upon to help ensure only correct costs are appropriately charged to the projects; computes and presents FPL's total request for recovery during the January-December 2016 period.	2, 4, 5, 6, 7
Steven R. Sim (Adopted testimony of Richard O. Brown) FPL	Demonstrates the continued long-term economic feasibility of the Turkey Point 6 & 7 project; describes the analytical approach used for the economic feasibility analysis including updated assumptions and forecasted ranges of projected fuel costs and environmental compliance costs; describes the customer benefits projected to be provided by Turkey Point 6 & 7.	1

B. REBUTTAL

Steven D. Scroggs FPL	Corrects mischaracterizations by Witness Jacobs with respect to the basis of FPL's non-binding cost estimate range and the validity of FPL's feasibility analysis; discusses the impractical and misleading nature of calls by Witnesses Jacobs for obtaining construction bids at this stage of the Turkey Point Units 6 & 7 project; and describes the process FPL plans to employ to achieve the desired level of certainty to inform the feasibility analysis and subsequent decisions by the FPSC while remaining consistent with the NCR statute.	1, 1A, 3B, 3C
John J. Reed Concentric Energy Advisors, Inc.	Rebuts Witness Jacobs's recommendation to adopt the total costs of other new nuclear power plant projects as FPL's costs, explaining that "First of a Kind" projects can be expected to face issues that subsequent projects will not; identifies that Witness Jacobs's recommendation for a cost cap is similar to recommendations he has made, and the Commission has rejected, several times previously in NCR dockets.	1

Steven R. Sim FPL	Responds to Witness Meehan's testimony by further explaining the basis for the CO2-related and transmission-related forecasts and assumptions reflected in the feasibility analysis, demonstrating the reasonableness of those inputs; explains the flawed nature of Witness Jacobs's claim that with certain hypothetical increases to the Turkey Point 6 & 7 costs the project would not be cost-effective.	1
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II. EXHIBITS

Exhibits	Witness	Sponsor	Description
SDS-1	Steve Scroggs/Jennifer Grant-Keene	FPL	T- Schedules Turkey Point 6 & 7 Site Selection and Pre-Construction Costs
SDS-2	Steve Scroggs	FPL	Turkey Point 6 & 7 Licenses, Permits and Approvals
SDS-3	Steve Scroggs	FPL	Comparison of Prior and Current Turkey Point 6 & 7 Project Schedules
SDS-4	Steve Scroggs	FPL	Turkey Point 6 & 7 Procedures and Work Instructions
SDS-5	Steve Scroggs	FPL	Turkey Point 6 & 7 Project Reports
SDS-6	Steve Scroggs	FPL	Turkey Point 6 & 7 Project Instructions and Forms
SDS-7	Steve Scroggs	FPL	Turkey Point 6 & 7 Summary Tables of the 2014 Expenditures
SDS-8	Steve Scroggs/Jennifer Grant-Keene	FPL	Turkey Point 6 & 7 Site Selection and Pre-construction Nuclear Filing Requirement Schedules
SDS-9	Steve Scroggs	FPL	Turkey Point 6 & 7 Project Expenditure Summary Tables
SDS-10	Steve Scroggs	FPL	Turkey Point 6 & 7 Project Benefits at a Glance
SDS-11	Steve Scroggs	FPL	Turkey Point 6 & 7 Customer Savings from Nuclear Cost Recovery Law
SDS-12	Steve Scroggs	FPL	Remaining Steps in Turkey Point 6 & 7 Licensing
NJD-1	Nils Diaz	FPL	Summary Resume of Nils J. Diaz, PhD
JJR-1	John J. Reed	FPL	Résumé of John J. Reed

JJR-2	John J. Reed	FPL	Expert Testimony of John J. Reed
JJR-3	John J. Reed	FPL	PTN 6 & 7 Organization Charts
JGK-1	Jennifer Grant-Keene	FPL	Final True-Up of 2014 Revenue Requirements
JGK-2	Jennifer Grant-Keene	FPL	2014 EPU T-Schedules
JGK-3	Jennifer Grant-Keene	FPL	2016 Revenue Requirements
ROB-1	Richard O. Brown	FPL	Summary of Results from FPL's 2015 Feasibility Analyses of the Turkey Point 6 & 7 Project (Plus Results from Additional Analyses)
ROB-2	Richard O. Brown	FPL	Comparison of Key Assumptions Utilized in the 2014 and 2015 Feasibility Analyses of the Turkey Point 6 & 7 Project
ROB-3	Richard O. Brown	FPL	Projection of FPL's Resource Needs Through 2030
ROB-4	Richard O. Brown	FPL	The Two Resource Plans Utilized in FPL's 2015 Feasibility Analyses of the Turkey Point 6 & 7 Project
ROB-5	Richard O. Brown	FPL	2015 Feasibility Analyses Results for the Turkey Point 6 & 7 Project: Case # 1 Analysis - 40-Year Operating Life; Total Costs, Total Cost Differentials, and Breakeven Costs for All Fuel and Environmental Compliance Cost Scenarios in 2015\$ (millions, CPVRR, 2015 - 2068)
ROB-6	Richard O. Brown	FPL	2015 Feasibility Analyses Results for the Turkey Point 6 & 7 Project: Case# 2 Analysis- 60-Year Operating Life; Total Costs, Total Cost Differentials, and Breakeven Costs for All Fuel and Environmental Compliance Cost Scenarios in 2015\$ (millions, CPVRR, 2015-2088)

In addition to the above pre-filed exhibits, FPL reserves the right to utilize any exhibit introduced by any other party. FPL additionally reserves the right to introduce any additional exhibits necessary for rebuttal, cross-examination, or impeachment at the hearing.

III. STATEMENT OF BASIC POSITION

Section 403.519(4), Florida Statutes, Section 366.93, Florida Statutes, and Rule 25-6.0423, Florida Administrative Code (“the Rule”) establish the legal and regulatory framework for the recovery of costs in the development of nuclear generation in Florida.¹ Section 403.519(4), Florida Statutes, applies to the determination of need for a nuclear-fueled power plant. This section emphasizes the Florida Legislature’s desire to improve fuel diversity, reduce dependence on fuel oil and natural gas, reduce air emission compliance costs, and contribute to the long-term stability and reliability of the electric grid in Florida; establishes the prudence standard that shall be applied in nuclear cost recovery proceedings; and makes clear that a utility is entitled to recover all prudently incurred costs. Specifically, the statute states that after a determination of need is granted, “the right of a utility to recover any costs incurred prior to commercial operation, including but not limited to costs associated with the siting, design, licensing, or construction of the plant...shall not be subject to challenge” unless a preponderance of the evidence supports a finding that “certain costs” were imprudently incurred. The statute further makes clear that (i) proceeding with the construction of the nuclear power plant following an order by the Commission approving the need for it “shall not constitute or be evidence of imprudence” and (ii) “imprudence shall not include any cost increases due to events beyond the utility’s control.” *See* § 403.519(4)(e), Fla. Stat.

Section 366.93, Florida Statutes, requires the Commission to establish by rule a cost recovery framework that promotes utility investment in nuclear power plants and allows for the recovery of all prudently incurred preconstruction costs and the carrying costs on construction cost balances. It also entitles utilities to increase their base rates upon commercial operation of

¹All references to Florida statutes are to the 2014 Florida Statutes.

the nuclear power plant, requires annual reporting of budgeted and actual costs, and provides for cost recovery should the project be cancelled. *See* §366.93(4), (5), and (6), Fla. Stat., respectively. In response to this legislative direction, the Commission promulgated Rule 25-6.0423, Florida Administrative Code (“the Rule”). The stated purpose of the Rule is to establish an alternative cost recovery mechanism that promotes utility investment in nuclear power plants and allow for recovery of all prudently incurred costs. It also provides for the recovery of reasonable actual/estimated costs for the current year and reasonable projected costs for the following year.

FPL’s Turkey Point 6 & 7 project qualifies for cost recovery pursuant to the Nuclear Cost Recovery (“NCR”) statute and Rule. The project was granted an affirmative determination of need by the Commission pursuant to Section 403.519(4), Florida Statutes, and FPL is therefore entitled to recover all its prudent and reasonable costs. *See* Order No. PSC-08-0237-FOF-EI, issued April 11, 2008 (making an affirmative determination of need for Turkey Point 6 & 7).

As demonstrated in the testimony, exhibits, and Nuclear Filing Requirements (“NFRs”) filed in this docket, FPL’s expenditures in 2014 were prudently incurred. Additionally, FPL’s actual/estimated 2015 expenditures and projected 2016 expenditures for the Turkey Point 6 & 7 project are reasonable. The FPSC Office of Auditing Performance and Analysis’s 2015 report on FPL’s project management internal controls concludes that FPL’s project internal controls, risk evaluation, and management oversight for the Turkey Point 6 & 7 project are adequate. Furthermore, no party has filed testimony disputing FPL’s continued pursuit of the licensing needed for the project or the prudence or reasonableness of any particular cost sought for recovery. Accordingly, the Commission should approve FPL’s request to recover \$34,249,614 through the Capacity Cost Recovery Clause (“CCRC”) during the period January – December 2016. This equates to a typical residential customer monthly bill impact of approximately \$0.34

per 1,000 kilowatt-hours (kWh). This requested recovery amount excludes the costs FPL is incurring to further refine and validate its feasibility analysis assumptions – specifically, the project schedule and resulting cost. At this time, FPL requests a Commission determination that conducting those activities and incurring those costs is reasonable. FPL also has demonstrated that its 2015 feasibility analysis for the Turkey Point 6 & 7 project is reasonable and should be approved.

IV. ISSUES AND POSITIONS

A. FPL SPECIFIC ISSUES

Issue 1: **Should the Commission approve as reasonable what FPL has submitted as its 2015 annual detailed analysis of the long-term feasibility of completing the Turkey Point Units 6 & 7 project, as provided for in Rule 25-6.0423, F.A.C?**

FPL: Yes. FPL used a number of combinations of fuel and environmental compliance costs to serve as possible future scenarios with which to view the economics of Turkey Point 6 & 7. FPL regularly updates these fuel and environmental compliance cost projections along with a number of other assumptions such as the project cost and system load forecast for its economic analysis. FPL's assumptions include a reasonable CO2 compliance cost forecast based on the best information available at this time from a reputable, independent firm and a reasonable estimate for transmission investments in the Southeastern Florida area that could be avoided with the addition of Turkey Point 6 & 7. FPL evaluated seven future scenarios of fuel costs and environmental compliance costs assuming a 40-year life of Turkey Point 6 & 7 and seven scenarios assuming a 60-year life of Turkey Point 6 & 7. The breakeven capital costs are higher than FPL's non-binding cost estimate range (i.e., the results are favorable) in eight of the 14 fuel and environmental compliance cost scenarios analyzed. In the six remaining scenarios, the breakeven capital costs are within the non-binding cost estimate range. Based on this analysis, and utilizing FPL's current, well-founded non-binding cost estimate range, completion of Turkey Point 6 & 7 is projected to be solidly cost-effective for FPL's customers. The results of the analysis fully support the feasibility of continuing the Turkey Point 6 & 7 project and completing the licensing phase currently underway. (Sim, Scroggs, Reed)

Issue 1A: **What is the current total estimated all-inclusive cost (including AFUDC and sunk costs) of the proposed Turkey Point Units 6 & 7 nuclear project?**

FPL: The overnight capital cost estimate range is \$3,844/kW to \$5,589/kW. When time-related costs such as inflation and carrying costs are included, and CODs of

2027 and 2028 are assumed, the total project non-binding cost estimate range is \$13.7 to \$20.0 billion for the 2,200 MW project. (Scroggs)

Issue 1B: **What is the current estimated planned commercial operation date of the planned Turkey Point Units 6 & 7 nuclear facility?**

FPL: FPL's current estimated in-service dates for Turkey Point Units 6 & 7 are June 2027 and June 2028, respectively. These dates reflect FPL's comprehensive project schedule review that followed receipt of the revised safety and environmental review schedules from the Nuclear Regulatory Commission in late 2014, the effect of the revised NCR statute, and review of the lessons learned from other U.S. AP1000 projects. (Scroggs)

Issue 2: **Should the Commission find that FPL's 2014 project management, contracting, accounting and cost oversight controls were reasonable and prudent for the Turkey Point Units 6 & 7 project?**

FPL: Yes. FPL relied on its comprehensive corporate and overlapping business unit controls. These controls included FPL's Accounting Policies and Procedures; financial systems and related controls; FPL's annual budgeting and planning process and reporting and monitoring of costs incurred; and Business Unit specific controls and processes. The project internal controls were comprised of various financial systems, department procedures, work/desktop instructions and best practices, providing governance and oversight of project cost and schedule processes. The project management, cost estimation, and risk management attributes of FPL were highly developed, well documented, and adhered to by the project team. FPL's management decisions with respect to the Turkey Point 6 & 7 project were the product of properly qualified, well-informed FPL management following appropriate procedures and internal controls. (Scroggs, Reed, Grant-Keene)

Issue 3A: **Pursuant to Section 366.93, Florida Statutes, can costs, which are not related to or necessary for, obtaining or maintaining a combined license from the Nuclear Regulatory Commission for a nuclear power plant be incurred prior to the issuance of the COL and deferred for later recovery? (Legal)**

FPL: Yes. Section 366.93 does not prohibit a utility from incurring costs unrelated to obtaining or maintaining a COL and does not prohibit the Commission from approving such costs as reasonable for future recovery. Sections 366.93(3)(b) and 366.93(3)(c) address the timing of recovery of costs (not recovery per se), and require Commission approval to begin "preconstruction work." These sections do not address the incurrence or recovery of costs related to the feasibility analysis necessary to obtain Commission approval to begin "preconstruction work." These types of costs (i.e., costs reasonably necessary for the Commission's feasibility review) consistently have been recovered. A more restrictive interpretation of Sections 366.93(3)(b) or (c) could not be read consistently with Section 366.93(2), which states that the NCR mechanism "must be designed to

promote utility investment in nuclear...power plants and allow for the recovery in rates of all prudently incurred costs”.

Issue 3B: **Are the Initial Assessment costs incurred as set forth in FPL’s Petition and Testimony for which FPL is seeking deferred recovery, costs that are related to or necessary for obtaining or maintaining a combined license?**

FPL: Yes. Although the Initial Assessments are not “required” to obtain the COL, they are in fact related to the COL process. Initial Assessments are necessary to provide a more robust cost and schedule estimate to be used for the feasibility analysis. The feasibility analysis is part of the NCR process that enables FPL to obtain and maintain a COL. In order to obtain the cost recovery that allows FPL to obtain and then maintain the COL, the NCR filing requirements must be satisfied. Additionally, the Initial Assessments better inform the technical work necessary to maintain compliance with the COL.

Nonetheless, even if the Commission were to determine that FPL’s Initial Assessment costs were not related to or necessary for obtaining or maintaining a COL, Section 366.93 does not prohibit FPL from incurring or deferring these costs for future recovery (see position on Issue 3A). (Scroggs)

Issue 3C: **Should the Commission approve FPL’s proposal to incur and defer for later recovery its Initial Assessment costs, as set forth in FPL’s petition and supporting testimony?**

FPL: Yes. The performance of the Initial Assessments will increase the project schedule certainty and resulting project costs for use in the feasibility analysis required by the NCR statute to support authorization to begin preconstruction work. It is clear that other parties desire more schedule and cost certainty before FPL begins the next phase of the project, and that is exactly what the Initial Assessments are intended to provide, without engaging in “preconstruction work.” The alternative would be to seek authorization to begin the preconstruction phase on a less-informed basis, or to delay such authorization and extend the project schedule by approximately two years. Such an approach would not be in customers’ best interests. Accordingly, FPL’s incurrence of these costs, which consist of \$1,842,105 in actual/estimated 2015 costs and \$3,157,895 in projected 2016 costs, and FPL’s request to defer recovery is reasonable and should be approved. (Scroggs)

Issue 4: **What jurisdictional amounts should the Commission approve as FPL’s final 2014 prudently incurred costs and final true-up amounts for the Turkey Point Units 6 & 7 project?**

FPL: The Commission should approve FPL’s final 2014 prudently incurred Turkey Point 6 & 7 Preconstruction expenditures of \$18,448,666 (jurisdictional), and the final 2014 true-up amount of (\$821,804). The Commission also should approve actual 2014 Preconstruction carrying charges of \$4,970,056 and the resulting true-up amount of \$130,292; and actual 2014 Site Selection carrying charges of

\$158,482 and the resulting true-up amount of \$79. FPL's 2014 expenditures were supported by comprehensive procedures, processes and controls that help ensure those expenditures were prudent. The net 2014 jurisdictional true-up amount of (\$691,433) should be included in FPL's 2016 NCR amount. (Scroggs, Reed, Diaz, Grant-Keene)

Issue 5: What jurisdictional amounts should the Commission approve as reasonably estimated 2015 costs and estimated true-up amounts for FPL's Turkey Point Units 6 & 7 project?

FPL: The Commission should approve as reasonable FPL's 2015 actual/estimated Preconstruction expenditures, upon which FPL's recovery request is based, of \$18,638,220 (jurisdictional, excluding Initial Assessment costs). This results in an actual/estimated 2015 true-up of \$6,089,262 (jurisdictional). The Commission also should approve FPL's 2015 actual/estimated Preconstruction carrying charges of \$6,646,558 and resulting true-up of \$11,769; and 2015 actual/estimated Site Selection carrying charges of \$159,744 and resulting true-up of \$598. The net 2015 true up amount of \$6,101,628 should be included in FPL's 2016 NCR amount. (Scroggs, Grant-Keene)

The Commission also should approve as reasonable FPL's total 2015 actual/estimated Preconstruction expenditures of \$21,537,791, which includes \$1,842,105 for Initial Assessment activities to better refine project schedule and cost information for FPL's 2016 feasibility analysis.

FPL's 2015 actual/estimated expenditures are supported by comprehensive procedures, processes and controls which help ensure that these costs are reasonable. (Scroggs, Grant-Keene)

Issue 6: What jurisdictional amounts should the Commission approve as reasonably projected 2016 costs for FPL's Turkey Point Units 6 & 7 project?

FPL: The Commission should approve as reasonable FPL's 2016 projected Preconstruction costs, upon which FPL's recovery request is based, of \$21,057,310 (jurisdictional, excluding Initial Assessment costs). The Commission also should approve for recovery projected Preconstruction carrying charges of \$7,622,521, and projected Site Selection carrying charges of \$159,588. The total jurisdictional amount of \$28,839,419 should be included in FPL's 2016 NCR amount.

The Commission also should approve as reasonable FPL's total 2016 projected Preconstruction expenditures of \$25,409,920, which includes \$3,157,895 for Initial Assessment activities to better refine project schedule and cost information for FPL's 2016 feasibility analysis.

FPL's 2016 projected expenditures are supported by comprehensive procedures, processes and controls which help ensure that these costs are reasonable. (Scroggs, Grant-Keene)

Issue 7: What is the total jurisdictional amount to be included in establishing FPL's 2016 Capacity Cost Recovery Clause factor?

FPL: The total jurisdictional amount of \$34,249,614 should be included in establishing FPL's 2016 CCRC factor. (Grant-Keene)

B. DEF SPECIFIC ISSUES

Issues 8-16: FPL takes no position on the issues identified for Duke Energy Florida.

V. STIPULATED ISSUES

There are no stipulated issues at this time.

VI. PENDING MOTIONS

Motion Document No.	Date	Description
03620-15	6/12/15	Motion for Protective Order to protect confidential documents produced to City of Miami
03552-15	6/10/15	Motion for Temporary Protective Order for information included in documents produced in response to Staff's 1 st request for PODs (Nos. 1, 3, 4 and 7) and in documents produced in revised response to OPC's 1 st request for PODs (No. 2)
02533-15	5/4/15	Motion for Temporary Protective Order for confidential information included in Exhibit SDS-8 to testimony of Steven Scroggs
01259-15	3/3/15	Motion for Temporary Protective Order for information included in Exhibit SDS-1 to the testimony of Steven Scroggs

VII. PENDING REQUESTS FOR CONFIDENTIAL CLASSIFICATION

Request Document No.	Date	Description
04141-15	7/6/15	Request for Confidential Classification of Audit 15-005-4-1
03949-15	6/26/15	First Request for Extension of Confidential Classification of Exhibits TOJ-1, SDS-1, TOJ-13 and SDS-7 (Docket 130009-EI)
03675-15	6/16/15	Request for Confidential Classification of Audit Report No. PA 15-01-002

02487-15	5/1/15	Request for Confidential Classification of Exhibit SDS-8 to testimony of Steven D. Scroggs
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VIII. OBJECTIONS TO WITNESSES' QUALIFICATIONS

At this time, FPL has no objections to any witness's qualifications.

IX. REQUIREMENTS OF THE PREHEARING ORDER THAT CANNOT BE MET

At this time, FPL is not aware of any requirements in the Order Establishing Procedure with which it cannot comply.

Respectfully submitted this 8th day of July, 2015.

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By: s/ Jessica A. Cano
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**CERTIFICATE OF SERVICE
DOCKET NO. 150009-EI**

I HEREBY CERTIFY that a true and correct copy of FPL's Prehearing Statement was served by electronic mail this 8th day of July, 2015 to the following:

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