

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for exemption under Rule 25-22.082(18), F.A.C., from issuing a request for proposals (RFPs) for modernization of the Lauderdale Plant, by Florida Power & Light Company

Docket No. 20170122-EI

Filed: August 14, 2017

SIERRA CLUB'S PETITION TO INTERVENE AND PROTEST
PROPOSED AGENCY ACTION ORDER NO. PSC-2017-0287-PAA-EI

Pursuant to Sections 120.57(1) and 120.569, Florida Statutes (“F.S.”), and Rules 25-22.029, 25-22.039, and 28-106.201, Florida Administrative Code (“F.A.C.”), Sierra Club hereby petitions to intervene in Docket No. 20170122-EI and protest the Proposed Agency Action Order No. PSC-2017-0287-PAA-EI, issued on July 24, 2017 (the “PAA Order”). In the PAA Order, the Florida Public Service Commission (the “Commission”) proposed granting Florida Power & Light Company (“FPL”) an exemption from the commonsense competitive bidding requirements under Rule 25-22.082, F.A.C., (the “Bid Rule”), with which FPL otherwise must comply before proceeding with its gas-burning generation project in Dania Beach, Florida (the “Project”). Because the proposed exemption does not comport with applicable legal requirements, and, *inter alia*, would impede the Commission’s ability to evaluate potential money-saving alternatives to the Project—alternatives in which Sierra Club and its members have a substantial interest—Sierra Club is compelled to protest the PAA Order. In support, Sierra Club states as follows:

Affected Agency

1. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399.

Petitioner's Information

2. Petitioner is Sierra Club with the following headquarters and local addresses:

Sierra Club, National Headquarters
2101 Webster Street, Suite 1300
Oakland, CA 94612
415-977-5500

Sierra Club, Florida Chapter
1990 Central Avenue
St. Petersburg, FL 33712
727-824-8813

3. Copies of all notice, pleadings, orders, and other communications in this docket should be provided to:

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Notice of Receipt of Action

4. Sierra Club obtained a copy of the PAA Order from the Commission's website on July 24, 2017, and via email service on the same date.

Background

5. Rule 25-22.082, F.A.C. (the “Bid Rule”), requires a public utility to “evaluate supply-side alternatives to its next planned generating unit by issuing a Request for Proposals (RFP).” The Commission can waive this requirement only where a utility carries the burden of showing that its proposal will: (1) “likely result in a lower cost supply of electricity”; (2) “increase the reliable supply of electricity”; (3) “or otherwise serve the public welfare.” R. 25-22.082(18), F.A.C.

6. On May 22, 2017, FPL petitioned the Commission for an exemption from issuing an RFP for the Project.

7. On July 11, 2017, Sierra Club filed comments urging the Commission to deny FPL’s petition because the Project does not meet any of the exemption criteria under the Bid Rule, and because granting the petition would contravene the Commission’s statutory duties under Section 403.519, F.S.

8. The Commission issued the PAA Order on July 24, 2017, thereby proposing to exempt the Project from the Bid Rule’s requirements.

Statement of Substantial Interests

9. Sierra Club meets the administrative and associational standing requirements to intervene and protest the PAA Order. Rules 25-22.029(3), 25-22.039, F.A.C.

10. First, Sierra Club satisfies the two requirements for administrative standing, as outlined in *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981) *rehearing denied*, 415 So.2d 1359 (Fla. 1982). Specifically, this test requires (a) an injury in fact of sufficient immediacy to entitle the petitioner to a hearing under

Section 120.57; and (b) substantial injury of a type or nature that the proceeding is designed to protect. *Agrico Chemical*, 406 So.2d at 482.

11. Sierra Club meets the first prong of the *Agrico* test because exempting FPL from the Bid Rule's RFP requirement would constitute an injury in fact of sufficient immediacy to the organization and its members. Specifically, the PAA Order would: (1) deny Sierra Club, and its members, the due process protections prescribed by Sections 403.519 and 120.57, F.S.; (2) deprive Sierra Club, and its members, of the assurance that the Commission has sufficient information to evaluate the need for the Project, and limit the transparency and accountability that such information provides; (3) expose Sierra Club, and its members, to greater costs and risks because the Project has not been the subject of healthy market competition; and (4) undermine Sierra Club's, and its members', interests in promoting a safe and sustainable environment.

12. First, the PAA Order would deny due process to Sierra Club and its thousands of members in FPL's territory. Pursuant to Sections 403.519 and 120.57, F.S., in proceedings that accompany a need determination review, the Commission is obliged to conduct a full and fair evidentiary hearing which includes the introduction and consideration of competent evidence on cost-effective alternatives. The Bid Rule expressly recognizes the unique evidentiary value of information developed through the RFP process, describing it as "an appropriate means to ensure that a public utility's selection of a proposed generation addition is the most cost-effective alternative available." Rule 25-22.082(1), F.A.C. Such evidence serves as the basis for the Commission to determine the need for the Project. Yet, neither FPL nor the Commission has identified how, absent an RFP, the Commission will be

able to develop a record on alternatives. By excusing FPL from undertaking a routine investigation of the market via an RFP, the PAA Order would deprive the Commission of critical information on alternatives to the Project. The PAA Order would thus limit the scope of the factual record underpinning the Commission's evaluation of need,¹ thereby foreclosing a full and fair evidentiary hearing and prejudicing Sierra Club and its members' interest in such a hearing. Specifically, the PAA Order would therefore deprive Sierra Club and its members of their due process rights under Sections 403.419 and 120.57 to participate in the development of a factual record at the evidentiary hearing that accompanies the need determination process. Ex. A at 13-15 (Declaration of Cristy Costello ¶¶ 6, 7, 13); Ex. A at 26 (Declaration of Leslie Maloney ¶ 8); Ex. A at 39 (Declaration of Geraldine Swormstedt ¶ 9).

13. Second, the PAA Order would deprive Sierra Club and its members of any assurance that the Commission will have sufficient information to fairly evaluate the need for the Project. *See* § 403.519, Fla. Stat.; *see also* Fla. Admin. Code R. 25-22.082 (the "Bid Rule"). In particular, Section 403.519 assures customers that the Commission "shall take into account" cost-effective alternatives, including renewables and energy efficiency, when making a need determination. The Commission adopted the Bid Rule's RFP process to "facilitate [its] statutory responsibility to determine the most cost-effective generating unit under Section 403.519, Florida Statutes." *Order Adopting Changes to the Proposed Amendments of Rule 25-22.082, Florida Administrative Code*, Docket No. 020398-EQ, Order No. PSC-03-0133-

¹ Indeed, FPL apparently has not conducted any RFP for renewables since 2007 and 2008. *See* Sierra Club, Comment Letter on Review of the 2016 Ten-Year Site Plans of Florida's Electric Utilities, Document No. 08194-2016, at 9 (Oct. 10, 2016) (noting that FPL has provided no explanation for its lapse in RFPs for renewable energy).

FOF-EQ, at 1-2 (Jan. 27, 2003). The RFP process therefore provides assurance to customers that the Commission will safeguard their financial interests, as it requires utilities to conduct a transparent and open market test for alternatives. Specifically, by requiring the publication of detailed information on the need for additional generation, third-party bids to address that need, and the criteria for evaluating each bid, the RFP requirement provides the public with access to the relevant inputs to a utility's selection of new generation. Rule 25-22.082(2),(5),(6),(7), F.A.C.² This promotes transparency and accountability, thereby empowering customers to review and evaluate the generation choices made by their utilities. Ex. A at 34 (Declaration of Darryl L. Rutz ¶ 8); Ex. A at 42 (Declaration of James D. Teas ¶ 13). The PAA Order here injures Sierra Club members by depriving them of the assurances, accountability, and transparency of an RFP. Ex. A at 11 (Declaration of Douglas Campbell ¶ 9); Ex. A at 17-18 (Declaration of Kristine Cunningham ¶ 7); Ex. A at 21-22 (Declaration of Robert Stephen Mahoney ¶¶ 8, 12); Ex. A at 26 (Declaration of Leslie Maloney ¶ 8); Ex. A at 30 (Declaration of Stanley F. Pannaman ¶ 9); Ex. A at 34 (Declaration of Darryl L. Rutz ¶ 11); Ex. A at 39 (Declaration of Geraldine Swormstedt ¶ 9); Ex. A at 42 (Declaration of James D. Teas ¶ 13); Ex. A at 46 (Declaration of Diana Umpierre ¶ 6).

14. Third, the PAA Order would injure Sierra Club members by exposing them to greater costs and risks, including higher energy bills and fuel price volatility. The Commission has determined that the RFP requirement generates cost savings for customers

² With an RFP, the public, FPL and the Commission would have information to compare the Project to third-party alternatives across a spectrum of relevant factors, including “technical and financial viability,” “dispatchability,” “deliverability,” “fuel supply,” “water supply,” “performance criteria,” and “pricing structure.” Fla. Admin Code R. 25-22.082(5)(d).

by harnessing market forces to reveal superior alternatives and identify least-cost options.³ Because FPL’s conclusory alternatives analysis is no substitute for an RFP, the PAA Order would increase the risk that Sierra Club members will have to pay for an expensive gas plant when cheaper alternatives exist. Ex. A at 21-22 (Declaration of Robert Stephen Mahoney ¶¶ 7, 11); Ex. A at 30 (Declaration of Stanley F. Pannaman ¶ 10); Ex. A at 34 (Declaration of Darryl L. Rutz ¶ 7); Ex. A at 42 (Declaration of James D. Teas ¶ 13); Ex. A at 51 (Declaration of Winston Mark Walters ¶ 10). At the same time, the PAA Order would increase Sierra Club members’ exposure to gas price volatility by impermissibly fast-tracking FPL’s gas buildout. FPL already relies heavily on gas, and its customers have lost billions of dollars on hedging programs that try to manage price volatility in gas markets.⁴ Building a new gas plant like the Project would only exacerbate the “economic stressors” of price volatility for Sierra Club members in FPL’s service area, especially those on fixed incomes. Ex. A at 11 (Declaration of Douglas Campbell ¶ 6); Ex. A at 14 (Declaration of Cristy Costello ¶ 8); Ex. A at 34 (Declaration of Darryl L. Rutz ¶ 7). These members value the RFP requirement, which reduces their exposure to risky gas by providing the Commission with necessary evidence on alternatives. Ex. A at 11 (Declaration of Douglas Campbell ¶ 7); Ex. A at 17-18 (Declaration of Kristine Cunningham ¶ 9); Ex. A at 30 (Declaration of

³ See Rule 25-22.082(1), F.A.C. (“The use of a Request for Proposals (RFP) process is an appropriate means to ensure that a public utility’s selection of a proposed generation addition is the most cost-effective alternative available.”); *In re: Petition by Florida Power Corporation for Waiver of Rule 25-22.082, F.A.C., Selection of Generating Capacity*, Docket No. 981360-EI, Order No. 99-0232, at 9 (Feb. 9, 1999) (“[B]ypassing the RFP process ultimately contributes to stifling the economic benefits of competitive generation in Florida.”).

⁴ See Robert Walton, *Florida Regulators Hit Pause on Utility Natural Gas Hedging Programs*, UTILITY DIVE (Nov. 4, 2016), <http://www.utilitydive.com/news/florida-regulators-hit-pause-on-utility-natural-gas-hedging-programs/429758/> (reporting that FPL’s hedging practices cost its customers \$4.5 billion between 2002 and 2016).

Stanley F. Pannaman ¶ 7); Ex. A at 42 (Declaration of James D. Teas ¶ 7). Thus, the PAA Order would not only deprive Sierra Club members of the cost-saving benefits of the RFP requirement, but also threaten to increase the volatility of their energy bills.

15. Furthermore, the PAA Order would injure Sierra Club members' interests in a safe and sustainable environment. Allowing FPL to bypass the RFP requirement allows the company to turn a blind eye to market conditions trending in favor of clean energy alternatives. Sierra Club members are seriously concerned about continued reliance on dirty fuels that worsen air pollution, climate change, sea-level rise, and the associated economic and health-related harms. Ex. A at 1-2 (Declaration of Alfredo J. Armendariz ¶¶ 6 – 10); Ex. A at 11 (Declaration of Douglas Campbell ¶¶ 7-9); Ex. A at 14 (Declaration of Cristy Costello ¶¶ 10-13); Ex. A at 17-18 (Declaration of Kristine Cunningham ¶¶ 8-9); Ex. A at 21-22 (Declaration of Robert Stephen Mahoney ¶¶ 7, 9, 10, 12); Ex. A at 26 (Declaration of Leslie Maloney ¶¶ 9-12); Ex. A at 30 (Declaration of Stanley F. Pannaman ¶¶ 6-10); Ex. A at 34 (Declaration of Darryl L. Rutz ¶¶ 9, 10); Ex. A at 41-42 (Declaration of James D. Teas ¶¶ 6-9, 12, 13); Ex. A at 46 (Declaration of Diana Umpierre ¶¶ 5-9); Ex. A at 51 (Declaration of Winston Mark Walters ¶¶ 8, 9, 11). Thus, the PAA Order injures Sierra Club and its members' interest in the transition away from dirty fuels to clean energy alternatives.

16. Sierra Club meets the second prong of the *Agrico* test because its members' injuries are of the type and nature that this proceeding is designed to protect. The Bid Rule and Section 403.519 define the zone of interest of this proceeding. As discussed above, these authorities provide Sierra Club members with the protections and benefits that the PAA Order would deny them, including their due process rights to participate in a full and

fair evidentiary hearing, the assurance that the Commission has sufficient information to evaluate cost-effective alternatives to the Dania Beach Project, including the resulting accountability and transparency, as well as the potential cost-savings and identification of clean energy alternatives that would come with an RFP. As a result, Sierra Club's and its members' injuries fall squarely within the zone of interest of this proceeding.

17. In addition, Sierra Club meets the three-prong associational standing test established in *Florida Home Builders v. Department of Labor and Employment Security*, 412 So. 2d 351 (Fla. 1982), which was later extended to hearings involving disputed issues of material fact under Section 120.57(1), F.S. *Farmworker Rights Organization, Inc. v. Department of Health and Rehabilitation Services*, 417 So. 2d 753 (Fla. 1st DCA 1982). Under this test, an association has standing to litigate on its members' behalf when: (1) the association demonstrates that the Commission's decision may substantially affect a substantial number of its members; (2) the subject matter of the proceeding is within the association's general scope of interest and activity; and (3) the relief requested is of a type appropriate for the association to receive on its members' behalf. *Florida Home Builders*, 412 So.2d at 353.

18. Sierra Club satisfies the first requirement of associational standing because more than 17,500 Sierra Club members live in FPL's service area, Ex. A at 6 (Declaration of Huda Fashho ¶ 6), and the PAA Order would, as detailed above, deprive them of due process, eliminate important transparency and accountability benefits, and expose them to greater costs and risks. *Id.*, ¶ 7.

19. Sierra Club also meets the second requirement for associational standing because agency decisions that lock Floridians into expensive, dirty fuel sources fall within

Sierra Club’s general scope of interest and activity. Ex. A at 1-2 (Declaration of Alfredo J. Armendariz ¶¶ 6-9). Sierra Club and its members advocate for a rapid transition away from fossil fuel power plants and towards low-cost, low-risk, clean energy alternatives. *Id.* In doing so, Sierra Club works to ensure that its members have access to electricity that is cheaper, cleaner, and less damaging to human health and the environment than the electricity produced by fossil fuels, including gas. *Id.*, ¶¶ 7 - 10. The PAA Order would frustrate the Commission’s ability to identify clean energy alternatives to the Project. It would therefore allow FPL to continue to ignore, and obscure from the public eye, cost-effective, clean options, in favor of a gas buildout that imposes long-term costs and risks on Sierra Club, its members, and the planet.

20. Finally, Sierra Club satisfies the third requirement of associational standing because it seeks to ensure that the Commission adequately considers cost-effective alternatives to the Project by requiring FPL to issue an RFP that allows for the meaningful participation of clean energy alternatives.

Disputed Issues of Material Fact and Law

21. Sierra Club disputes the following issues of material fact and law:

a. Whether the Project satisfies the Bid Rule exemption criterion that it would “likely result in a lower cost supply of electricity to [FPL’s] general body of ratepayers.” Rule 25-22.082(18), F.A.C.

b. Whether the Project satisfies the Bid Rule exemption criterion that it would likely “increase the reliable supply of electricity to [FPL’s] general body of ratepayers.” *Id.*

- c. Whether the Project satisfies the Bid Rule exemption criterion that it would likely “serve the public welfare.” *Id.*
- d. Whether FPL’s petition and supporting documents include enough information on alternatives to the Project for the Commission to “take into account” cost effective alternatives to the Project.
- e. Whether granting FPL’s petition for exemption contravenes the Commission’s statutory duties under Sections 403.519, F.S.
- f. Whether FPL’s petition for exemption is a waiver and variance that must comply with the requirements in Section 120.542, F.S.
- g. Whether FPL failed to satisfy the requirements for a waiver and variance under Section 120.542, F.S., because it did not demonstrate that (1) “the purpose of the underlying statute will be or has been achieved by other means by [FPL]” and (2) the “application of [the Bid Rule] would create a substantial hardship or would violate principles of fairness.”

Statement of Ultimate Facts

- 22. Without relinquishing the right to take positions and file testimony on any additional issues raised by any other party’s protest in this docket, or FPL’s responsive filings, Sierra Club alleges the following ultimate facts:
 - a. It is not likely that the Project would result in a lower cost supply of electricity to FPL’s general body of ratepayers.
 - b. It is not likely that the Project would increase the reliable supply of electricity to FPL’s general body of ratepayers.

- c. It is not likely that the Project would serve the public welfare.
- d. FPL's petition and supporting documents do not include enough information on alternatives to the Project for the Commission to "take into account" cost effective alternatives to the Project.
- e. FPL failed to satisfy the requirements for a waiver and variance under Section 120.542, F.S., because it did not demonstrate that (1) "the purpose of the underlying statute will be or has been achieved by other means by [FPL]" and (2) the "application of [the Bid Rule] would create a substantial hardship or would violate principles of fairness."

Statement of Rules and Statutes Requiring Reversal of the Agency's Decision

23. Rule 25-22.082, F.A.C., requires reversal or modification of the PAA Order. The PAA Order would grant FPL an exemption from the RFP requirement under the Bid Rule. However, Sierra Club maintains that the Project does not satisfy any of the three criteria for an exemption under the Bid Rule, because it is not likely that the Project would (1) result in a lower cost supply of electricity to FPL's general body of ratepayers, (2) increase the reliable supply of electricity to FPL's general body of ratepayers, or (3) otherwise serve the public welfare.

24. Section 403.519, F.S., requires reversal or modification of the Order. This statutory provision requires the Commission to "take into account" cost effective alternatives, especially clean, renewable forms of energy such as solar. Sierra Club maintains that FPL's petition and supporting documentation have not provided sufficient information to allow the Commission to evaluate cost-effective alternatives and determine the need for

the Project. The PAA Order would therefore contravene the Commission's fact-finding duties under Section 403.519, F.S.

25. Section 120.542, F.S., requires reversal or modification of the Order. Pursuant to this statutory provision, the Commission may only grant a waiver or variance to the Bid Rule when (1) "the person subject to the [Bid Rule] demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person," and (2) the "application of [the Bid Rule] would create a substantial hardship or would violate principles of fairness." FPL's request for exemption is, in fact, a request for a Section 120.542 waiver and variance, in substance if not in form. FPL, however, has neither demonstrated that it will achieve the purpose of the Bid Rule and Section 403.519 by other means, nor established that complying with the RFP requirement would create a substantial hardship or violate principles of fairness. The PAA Order would therefore contravene Section 120.542.

Notice of Conferral

26. On August 11, 2017, Pursuant to Rule 28-106.204(c), F.A.C., Sierra Club requested that FPL and the Office of Public Counsel (OPC) indicate whether or not they oppose Sierra Club's Motion to Intervene. OPC responded by email that it did not oppose Sierra Club's motion. FPL responded by email that it is taking no position until it has an opportunity to review the filing.

Relief Requested

27. WHEREFORE, Sierra Club requests that the Commission:
- a. Enter an order allowing Sierra Club to intervene as a full party in this docket;

b. Conduct a formal evidentiary hearing under Sections 120.569 and 120.57(1) on issues of disputed fact and law raised by this petition; and

c. Deny FPL's petition for exemption from the RFP requirement and direct FPL to issue an RFP that permits meaningful participation by a variety of supply-side alternatives, including clean, renewable solar.

Respectfully submitted,

/s/ Julie Kaplan
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically on this 14th day of August, 2017 on:

Florida Power & Light Company
Kenneth A. Hoffman
215 S. Monroe Street, Suite 810
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/s/ Julie Kaplan
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Julie.Kaplan@SierraClub.org

Exhibit A

**ORGANIZATIONAL DECLARATION
ALFREDO J. ARMENDARIZ**

I, Alfredo J. Armendariz, declare as follows:

1. My name is Alfredo Armendariz and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I live at 5824 Hawkwood Court, Lithia, Florida 33547.

3. I am a Sierra Club employee. I serve as a Deputy Director (Central Region) for Sierra Club's Beyond Coal Campaign. I am responsible for a portion of the Central Region's state-based teams. My job is to ensure that these state-based teams successfully execute the campaign's goals. I regularly interact with dozens of employees and volunteers as part of my job responsibilities throughout multiple states.

4. Sierra Club is a national non-profit membership organization.

5. Sierra Club has nearly 38,000 members in Florida, including more than 17,500 who live in Florida Power and Light Company's ("FPL") service area.

6. Sierra Club and its Florida members are dedicated to reducing pollution through equitable public health and environmental safeguards, and through the rapid transition away from fossil fuel-burning generation. To achieve this transition, Sierra Club has championed policies and regulations to remove barriers to energy efficiency, solar power, wind power, storage, and batteries as low cost, low risk alternatives to fossil fuel burning generation. Sierra Club advocates for such policies and regulations nationwide, including in Florida, by

intervening, submitting comments, providing testimony, and presenting experts in state and federal energy-related proceedings; participating in public hearings and workshops; speaking to students, civic organizations, and other stakeholders; and holding seminars and symposia—all to ensure that clean energy solutions reach all communities.

7. Consistent with the goals and work described above, Sierra Club represents its members' interest in avoiding unneeded, costly fossil fuel-burning generation, and securing the wide-ranging benefits of clean energy. Regarding FPL's proposal to build new fossil fuel-burning generation to replace existing generation at its Lauderdale power plant in Dania Beach, Florida, Sierra Club and its members' interests include avoiding needless new generation and keeping electricity rates low. Further, Sierra Club and its members' interests include ensuring that the public has the best information available to compare the costs of FPL's proposed fossil fuel-burning generation with the costs of other energy sources that could meet the same need. Likewise, Sierra Club and its members have an interest in informed, transparent and fair decision-making on their behalf. These interests extend to understanding the specific need that the new gas plant is intended to serve.

8. Sierra Club further represents its and its members' interest in promoting the transition from fossil fuels to clean energy sources, thereby avoiding the environmental and health costs of burning more fossil fuels. It is well documented, for example, that long-term exposure to smog pollution—formed by burning fossil fuels—is linked to chronic asthma and other respiratory and lung diseases, reproductive and developmental harm, negative cardiac impacts, and even premature death.

9. Acid rain, visibility impairment, and climate change are among the other costly problems exacerbated by burning fossil fuels. Indeed, Sierra Club has produced information

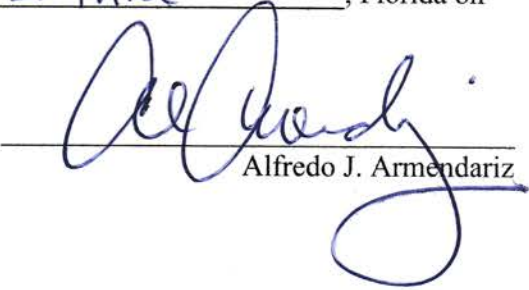
regarding those public health and environmental costs to the Florida Public Service Commission and in venues nationwide, thus substantiating its significant interest in minimizing those costs, which impose a burden above and beyond the immediate rate impact of FPL's proposed fossil fuel-burning generation.

10. Sierra Club also represents its members' interest in improving or else preserving the value of their electric service. The decisions the Commission will make regarding FPL's proposed new generation may substantially affect the value of FPL's service to Sierra Club members as such decisions will potentially bind FPL's selection of service offerings going forward, including how much of that service will rely on burning fossil fuels versus other options. Without the requisite competitive bidding process, the Commission cannot be sure in the first place whether new generation is even necessary to provide electric service to FPL customers, including Sierra Club members, or the lowest priced option. The members will value FPL service less if it includes such plants that are not actually needed to provide them service, or are more costly than other options. Second, clean, low cost, low risk alternatives to the gas-burning plant are available, and Sierra Club members strongly prefer that FPL pursue those alternatives instead. Yet, the vast sum FPL would spend on new generation in Dania Beach, including construction as well as operation and maintenance costs, will tie up capital and reduce the amount available to invest in clean energy alternatives. This hinders the alternatives from coming online now and in the future. Therefore, Sierra Club represents its members' interest in this case to improve or else preserve the value of their electric service by advocating against new fossil fuel-burning generation and for the preferred alternatives.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct. Executed in Lithia, Florida on

August 9, 2017.



Alfredo J. Armendariz

STATE OF FLORIDA

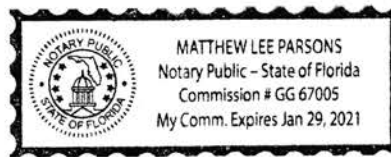
COUNTY OF Hillsborough

BEFORE ME, the undersigned authority, personally appeared

Alfredo Armendariz who is personally known or produced
Drivers License as identification, and who was sworn and says that
the foregoing averments are true.

Sworn to and subscribed before this 9 day of August, 2017.

Matthew L. Parsons
Notary Public Matthew L. Parsons




DECLARATION OF HUDA FASHHO

I, Huda Fashho, declare as follows:

1. My name is Huda Fashho and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge.
2. The Sierra Club is a non-profit membership organization incorporated under the laws of the State of California.
3. I have headed the Member Care Department at the Sierra Club for 6 years.
4. In this role, I manage the Sierra Club's customer service functions related to members, including maintaining an accurate list of members and managing the organization's member databases.
5. When an individual becomes a member of the Sierra Club, his or her current residential address is recorded in our membership database. The database entry reflecting the member's residential address is verified or updated as needed.
6. The Sierra Club currently has nearly 38,000 members in Florida, including over 17,500 members in counties which are served by Florida Power and Light Company.
7. These members have a strong interest in protecting their health and the environment, promoting energy efficiency, and reducing electricity demand in order to keep their electricity bills from escalating in the future.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Dakota, California on Aug 7, 2017.



Huda Fashno

See attached
CA Jurat certificate

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____
2 _____
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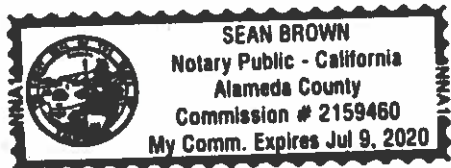
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

Subscribed and sworn to (or affirmed) before me
on this 7 day of August, 2017
by Huda Fasho
(1) _____
(and (2) _____),
Name(s) of Signer(s)



Place Notary Seal Above

proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature [Signature]
Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

**DECLARATION OF SIERRA CLUB MEMBER
DOUGLAS CAMPBELL**

I, Douglas Campbell, declare as follows:

1. My name is Douglas Campbell and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I live with my wife at 10206 SW 58th Street in Cooper City, FL. I have lived at this address for 19 years and in Broward County for approximately 30 years.

3. I have been a Sierra Club member since 2007. I joined Sierra Club because I am both very interested in preserving our natural environment and concerned with how local and national environmental issues are being dealt with by decision makers. I enjoy the idea of gaining more knowledge on issues about which I am passionate, and Sierra Club is very knowledgeable of what is going on with the environment and well situated to advocate for the interests of its members. As such, I attend monthly meetings at my local Broward County Sierra Club group to stay abreast of environmental issues in my community, my state, and the rest of the nation.

4. I am aware that Florida Power and Light Company ("FPL") is proposing a new gas-burning power plant to replace existing gas plants in Dania Beach, Florida, and that it has petitioned the Florida Public Service Commission ("the Commission") for exemption from issuing a request for proposals ("RFPs") for the project. I am also aware that Sierra Club opposes FPL's petition for an exemption.

5. I have been an FPL customer for at least 30 years. I live less than six miles from FPL's power plants in Dania Beach.

6. As both my wife and I are retired, we are on a fixed income and, therefore, very conscious of how our money is spent. We have taken steps to make our house as efficient as possible (e.g., installing new AC units) to help keep costs down. However, I am concerned about FPL's decision to construct and operate a new fossil fuel gas plant in Dania Beach, and the associated costs to myself as a customer, given the potential for cheaper renewable energy now and in the future.

7. It concerns me that my FPL electric service already comes largely from fossil fuels, rather than cleaner energy sources. I value clean energy and, as someone living in the "sunshine state," it baffles me that FPL and the Commission have not taken more steps to pursue solar energy. My daughter is working on her PhD in solar energy and is studying the falling costs of solar energy, so I am well aware that an FPL investment in solar energy would be more beneficial than its proposed investment in yet another gas burning plant, not only because it would lessen the environmental impacts, but also because it would lead to lower electricity rates for myself and other FPL customers over the longer-term.

8. I am worried about impacts to the environment from FPL's proposed building and operating of a new gas unit in Dania Beach. Not only am I concerned with the air emissions from the burning of gas, but I am also concerned with pollution arising from the extractive process associated with obtaining the gas and transporting the gas through pipelines. All in all, we are the "sunshine state" and we are not taking advantage of our clear renewable energy source—the sun. FPL needs to invest in renewables and storage rather than gas.

9. In addition, FPL should not get an exemption from the Commission's RFP process. The Commission requires RFPs for a reason. FPL cannot just do what is easier for FPL. It needs to do what is best for the citizens of south Florida and for FPL customers. There should be no exemption for FPL's Dania Beach project. If the Commission denies FPL's request for an exemption from the RFP process, I will benefit from a more robust review of energy alternatives, including clean energy options, and feel more confident in the Commission's ability to make a well informed decision that will result in a lower cost supply of electricity.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Cooper City, Broward Florida on August 6 August 6th, 2017.



Douglas Campbell

STATE OF FLORIDA

COUNTY OF Broward

BEFORE ME, the undersigned authority, personally appeared

DOUGLAS CAMPBELL who is personally known or produced

Florida Driver License as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 4th day of ~~July~~ ^{August} 2017.

[Signature]
Notary Public



Mohamed Azeez
State of Florida
MY COMMISSION # FF 233006
Expires: July 6, 2019
Bonded thru Western Surety Company

**DECLARATION OF SIERRA CLUB MEMBER
CRISTY COSTELLO**

I, Cristy Costello, declare as follows:

1. My name is Cristy Costello and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.
2. I reside at 127 Van Dyck Drive, Nokomis, FL 34275. I have lived at that residence since December 2002.
3. I am a customer of Florida Power and Light Company (FPL) and have been since August 2001.
4. I joined the Sierra Club because I appreciate their focus on both recreating outdoors and advocating for environmental protection. I am an outdoor enthusiast and my love for the outdoors has turned me into an advocate for environmental protection. I have worked for the Sierra Club for ten years and am trained as an outing leader.
5. I am aware that FPL is planning to replace two of its gas plants in Dania Beach with a new gas plant. I am also aware that FPL is seeking exemption from the requirement that it issues a request for proposals for alternatives to that new plant.
6. It disturbs me to know that my utility company, of which I have no other options to choose from, is seeking to avoid issuing the request for proposals. As a customer and a citizen, I believe that FPL should be required to consider all alternatives as a duty to those that they serve. I am also concerned that, when FPL asks the Public Service Commission to approve this

project, the Commission will not have the necessary information to allow it to fully evaluate the project and alternatives to it.

7. I believe that holding FPL to the requirement to issue a request for proposals will help improve transparency. Without transparency, I and other customers cannot determine whether our dollars are being spent wisely by FPL. I do not want to pay for a service that wastes my money or endangers my wellbeing.

8. I am very concerned with the cost of my electric bill. My husband and I are middle class and we have a college aged daughter who relies on us financially. Therefore, any increases or fluctuations in the cost of my electricity would be an economic stressor.

9. The cost of my electricity concerns me not only because of financial reasons but also because I know that the more I pay to FPL, the more I pay to support an infrastructure of fossil fuels, which I am opposed to.

10. It is well documented that the extraction of natural gas puts water resources at risk. I have been working on water quality campaigns even before I became a staff person for the Sierra Club and I am very passionate about safeguarding water quality. The continued burning of fossil fuels also contributes to air pollution. I do not believe FPL should be able to go ahead with their gas plant without following requirements that would facilitate the consideration of alternatives, such as renewable energy.

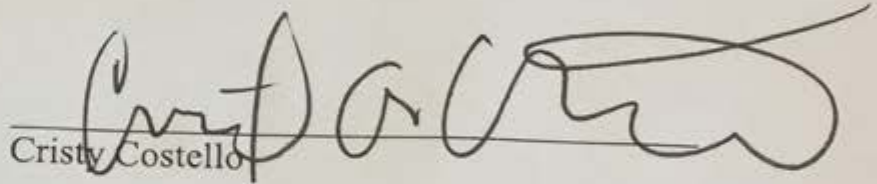
11. I am very concerned about climate change, especially in the context of extreme weather events that are already affecting my state of Florida. I am also concerned about future changes affecting my daughter and my grandchildren. For all intents and purposes, Florida is a sandbar with a few limestone outcroppings; if any state in the nation should be worried about climate change, it should be Florida.

CAL

12. In addition to my concerns with climate change, I am concerned about air quality. I work and recreate all over the state, including near Dania Beach, where I enjoy swimming, kayaking, and hiking. I have a condition called reactive airways. As a result, my breathing can be, and often is, affected by pollution in the air.

13. If Sierra Club is successful in its attempt to assure that FPL issues a request for proposals, I feel that I would benefit as a customer and a citizen because I believe that the consideration of alternatives to dirty fuels is imperative. A utility company has a responsibility to its customers to adequately vet and consider every option in every case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Nokomis, Florida on August 5, 2017.


Cristy Costello

CAC

STATE OF FLORIDA

COUNTY OF Sarasota

BEFORE ME, the undersigned authority, personally appeared
Cristy A Costello who is personally known or produced
_____ as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 5 day of August, 2017.

Joy Loos
Notary Public



CAC

**DECLARATION OF SIERRA CLUB MEMBER
KRISTINE CUNNINGHAM**

I, Kristine Cunningham, declare as follows:

1. My name is Kristine Cunningham and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I reside at 361 King James Court, Port Orange, Florida 32129. I have lived at that residence for 1.5 years and have lived in Florida for 23 years.

3. I became a member of the Sierra Club when I was living in Las Vegas and wanted to help with local water issues. I currently serve as a Florida Sierra Club Board member.

4. I am a customer of Florida Power and Light Company (FPL) and have been for my entire residency in Florida (23 years).

5. I am aware that FPL is attempting to replace two existing gas-fired power plants at Dania Beach with a new gas plant. I am also aware that FPL is requesting exemption from the obligation to issue a request for proposals for alternatives to the new gas plant.

6. I strongly disagree with FPL's attempts to circumvent the regulations in place that are meant to ensure a thoughtful and fair consideration of all options. FPL has an obligation to its customers and the citizens of Florida to compare all available options in terms of risks, costs, and potential harms and benefits.

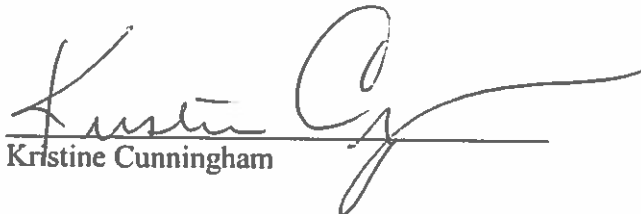
7. FPL's customers have a right to understand how their utility company describes its requested need for new generation, and how it spends their money. This exemption would be

detrimental to transparency and the quality of FPL's overall decision making in the long term. It would also be detrimental to any future decision making of the Florida Public Service Commission, as it too needs thorough and current information regarding all available options and their associated costs and potential harms and benefits, should it face a future need determination proceeding.

8. I am concerned with FPL's reliance on gas, especially without the consideration of alternatives. I am worried about the negative impacts of gas extraction and combustion on the environment. I am especially worried about the possibility of future gas pipeline construction in Florida, a process that has already been extensively undertaken and has proven destructive to local habitats.

9. I would prefer that FPL consider other options, such as solar. Florida has one of the greatest potentials in the nation for solar energy. I believe that my utility company should at least be obtaining current information to thoroughly and fairly analyze the costs and benefits of renewable energies, and that it should undertake that analysis. I am also worried that, absent this information, when FPL seeks approval to build the project from the Public Service Commission, the Commission will not have the information it needs to fairly and thoroughly evaluate the project and alternatives to it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Volusia, Florida on Aug 7, 2017.


Kristine Cunningham

STATE OF FLORIDA

COUNTY OF Volusia

BEFORE ME, the undersigned authority, personally appeared

_____ who is personally known or produced

FL Drivers Lic. as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 7th day of July, 2017.



Notary Public



CAROLINE B MICHIE
Commission # GG 111726
Expires June 5, 2021
Bonded Thru Budget Notary Services

**DECLARATION OF SIERRA CLUB MEMBER
ROBERT STEPHEN MAHONEY**

I, Robert Stephen Mahoney, declare as follows:

1. My name is Robert Stephen Mahoney and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I am a customer of Florida Power and Light Company ("FPL"). I have been a customer since I moved to my current residence at 444 NE 102 St. in Miami Shores, Florida, approximately 28 years ago.

3. I spent the last 20 years as a professor at Johnson and Wales University in North Miami, but I recently retired.

4. I am a member of the Sierra Club. I have been a member of the Sierra Club since 2000. I am currently the Conservation Chair for the Sierra Club's Miami Group and serve on the Florida Chapter's Greater Everglades Team and the national Marine Team. I have also served as an executive committee member of the Florida Chapter.

5. I joined the Sierra Club because of my interest in the environment. I have taught students about science, biology, and environmental science for years, first as a high school teacher and then as a professor at Johnson and Wales University. Having been involved in environmental education my entire career, I have always had a strong environmental ethic. I chose to become a Sierra Club member because of its important work in environmental activism

and the unique opportunities stemming from the Club's grassroots nature for volunteers to get involved as much as they want to work on local, state, and national issues.

6. I live 14 miles from FPL's power plants in Dania Beach, and I used to go up to Dania Beach a lot to visit the John U. Lloyd Beach State Park there.

7. I strongly believe that we should move away from burning fossil fuels for electricity generation and towards renewable energy sources. I am concerned that FPL wants to build a new gas fueled power plant in Dania Beach, rather than pursue flexible renewables, storage, and demand-side resources. The construction of new fossil fuel plants is rather shortsighted when we can be looking at renewables or energy efficiency.

8. I am also concerned that FPL has petitioned the Florida Public Service Commission ("the Commission") for exemption from issuing a request for proposals ("RFPs") for the Dania Beach project, and I support Sierra Club's opposition to FPL's petition for an exemption. FPL cannot be allowed to avoid the rules that were put in place to ensure adequate consideration of cost-effective alternatives to building a new gas plant in Dania Beach. The company should have to go through the normal procedures. I understand that, at some point, FPL will seek a need determination from the Commission, and I am concerned about the Commission's ability to make an informed decision when it does not have information from an RFP on the costs of alternatives.

9. Because gas plants emit carbon dioxide, nitrogen oxides, and methane, all of which contribute to climate change, I am extremely worried about FPL adding yet another fossil fuel power plant to its electricity generation portfolio. FPL must not be exempt from the RFP process and, instead, must be forced to consider other alternatives and whether the generation to be supplied by the new plant is needed in the first place. This full RFP process is especially

important given the impending threats to Broward County, south Florida, and the rest of the State from the effects of climate change.

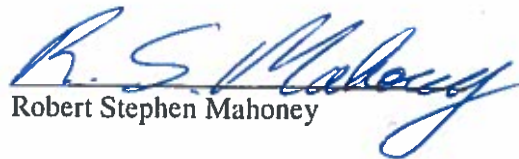
10. Personally, I am very concerned about the impacts to south Florida from sea level rise. I live approximately a half-mile from Biscayne Bay and have experienced flooding in my neighborhood during high and king tides. Sea level rise is likely to make this flooding worse. I am also concerned that sea level rise will increase the amount of salt water intrusion in south Florida, which could contaminate drinking water supplies, including my own, and adversely impact the Everglades. I frequently kayak in the western portion of the Everglades, an ecosystem that will be particularly affected by sea level rise and climate change. If we reduce our use of fossil fuels and avoid the need for a new gas plant at Dania Beach, we can at least help reduce those climate change factors.

11. I am also concerned about the future impact to my FPL rates from yet another gas-fired power plant. Once FPL has built the proposed gas unit, those costs—as well as the maintenance, operational, and fuel costs—will be passed onto customers like me. In a year from now, I will be living on a fixed income, and so am concerned about the rate hikes that would likely come with building the new gas plant in Dania Beach. Just this past January, the Commission approved a rate hike to cover FPL's expenditures on new power plants, including new gas units. I attended a local meeting held by the Commission to express my concerns about those expenditures and the associated rate hike. If FPL relied more on clean energy and less on gas, my energy bills would likely be lower.

12. If FPL's petition for an exemption from the RFP process is denied, I will benefit because my concerns about additional pollution, environmental, and climate change impacts associated with new fossil fuel power plants may be alleviated. At the very least, a proper RFP

process will allow for greater transparency and hopefully ensure that all available alternatives, including renewables and demand side options, are considered by the Commission before it decides to approve or reject the construction of new gas units in Dania Beach.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in NE Harbor, Miami Florida on 8/2, 2017.


Robert Stephen Mahoney

STATE OF ~~FLORIDA~~ MAINE

COUNTY OF HANCOCK

BEFORE ME, the undersigned authority, personally appeared

Robert Stephen Mahoney who is personally known or produced

FL Drivers Licence # M500-777-50-335-0 as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 2nd day of ~~July~~, 2017.
AUGUST

Betty B. Tower

Notary Public

BETTY B. TOWER
NOTARY PUBLIC
State of Maine
My Commission Expires
November 24, 2022

**DECLARATION OF SIERRA CLUB MEMBER
LESLIE MALONEY**

I, Leslie Maloney, declare as follows:

1. My name is Leslie Maloney and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I reside at 731 Nelda Avenue NE, Palm Bay, Florida 32907. I have lived at this residence for 30 years and was born and raised in Florida.

3. I am a customer of Florida Power and Light Company (FPL) and have been for my entire life.

4. I first joined Sierra Club in 1987 and recently reinstated my membership in 2008. I joined because I believe in the protection of the environment for future generations, since I have two children. My husband and I are Sierra Club outing leaders and I served as the chair of the Turtle Coast group.

5. I am on the board of Indian River Lagoon Coalition, an organization focused on habitat restoration. I am also a member of Marine Resources Council.

6. I am concerned with the cost of my electricity and the impacts that fluctuations or increases could have on my family. My mother, who lives close by to me, is a retired senior citizen on a fixed income. Increases to her electricity bill related to the new plant would be a financial burden to her.

7. I am aware that FPL is currently seeking to build a new gas plant in Dania Beach.

I am also aware that FPL has requested an exemption from the rule requiring it to issue a request for proposals to evaluate other options to this project. I oppose the project and the exemption.

8. I am concerned with the lack of transparency of FPL's actions. I do not want them to be able to make choices without following the standard process that is put in place to protect the financial interests of citizens in obtaining electricity at the least cost as well as the health interests of our citizens and the environment. I worry that, without the request for proposals, there will not be enough information about other possible energy options to the gas plant.

9. As an FPL customer, I am also very concerned about where my electricity comes from. Given Florida's vast potential for solar power, I think that my utility company should seriously consider and evaluate solar as an alternative to gas, and put the effort into getting the information needed to do that. I think that electricity generation from gas is too costly to the environment.

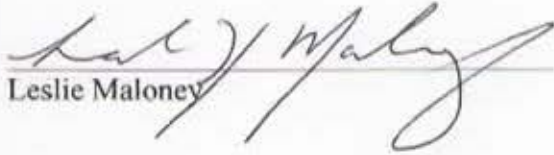
10. I grew up near Dania Beach and much of my family still lives in that area. I enjoy snorkeling at Dania Beach and am worried about the continuation of the negative environmental impacts that a replacement gas plant could cause on my outdoor recreation there.

11. I am concerned about putting in place further infrastructure for burning fossil fuels that would be long lasting and difficult to reverse.

12. If Sierra Club is successful in its attempts to hold FPL accountable to the request for proposals process, I hope that this process, and FPL, would then give the market a chance to prove renewable energy's economic viability. If Sierra Club is successful in opposing the gas plant itself, I am hopeful that I can get more of my power from solar.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in West Melbourne, Florida on

July 31st 2017.


Leslie Maloney

STATE OF FLORIDA

COUNTY OF Brevard

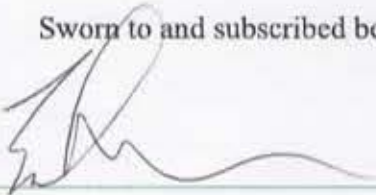
BEFORE ME, the undersigned authority, personally appeared

Leslie K. Maloney who is personally known or produced

FL DL as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 31 day of July, 2017.



Notary Public



**DECLARATION OF SIERRA CLUB MEMBER
STANLEY F. PANNAMAN**

I, Stanley F. Pannaman, declare as follows:

1. My name is Stanley Pannaman and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I am a retired Vietnam War Veteran. I live at 7301 NW 75th Ct. in Tamarac, Florida. I have lived at this address since 2001.

3. I joined the Sierra Club in 2001 and am currently the Conservation and Programs Chair for Sierra Club's Broward Group and team leader for Sierra Club's Southeast Florida Marine and Water Quality Team. I joined the Sierra Club because I enjoyed going on outings with the Club and, more importantly, because I believe it is our responsibility to protect the environment and move away from fossil fuels in order to reduce their impact on climate change. I fully support Sierra Club's activism efforts in Florida and nationally to move us beyond coal and gas.

4. I have been a Florida Power and Light Company ("FPL") customer since I moved to Florida in 2001. I live less than 11 miles from FPL's power plants in Dania Beach.

5. I am aware that FPL is seeking to build a new gas fueled power plant in Dania Beach, to replace its current one, and that FPL has petitioned the Florida Public Service Commission ("the Commission") for exemption from issuing a request for proposals ("RFP") for the project.

6. I am extremely concerned with where my energy comes from and with FPL's overreliance on gas. I have grave concerns about the destructive impact of the fossil fuel industry on the planet, and our society's overreliance on these fuels. I am especially concerned about the effects of climate change related to this reliance on fossil fuels. These effects are all around us, and yet FPL continues to rely on the burning and extraction of gas—a fossil fuel that contributes to climate change.

7. I would most certainly prefer that my energy come from more affordable, lower-risk sources such as solar power. Especially here in Florida, where sunshine abounds, I strongly believe that FPL and the Commission must look to promote the use of solar energy. FPL must move away from fossil fuels like gas towards renewable energy and energy efficiency.

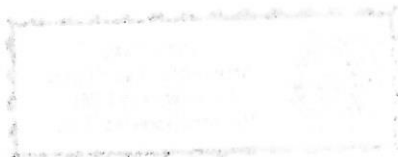
8. In addition, as I am retired, I am very much concerned with the cost of my electricity. In fact, because I feel that FPL has not done enough to move away from gas and fossil fuels towards renewables and energy efficiency, I had solar panels installed on my home in 2015 in order to lower my carbon footprint and divorce myself as far as possible from the electricity rates FPL imposes on its customers. Given what I have read about the low price of solar, I think that if FPL wants to put the needs of its customers, Floridians, and the environment first, it would choose to invest in solar, rather than another gas plant.

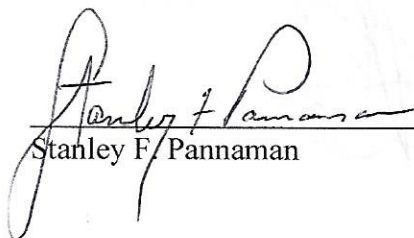
9. I want to ensure that other available, cost-effective options, such as solar, storage, and energy efficiency, are appropriately considered before any decision regarding a new gas plant at Dania Beach is made. To do this, FPL must not be allowed an exemption from the required RFP process.

10. If the Commission forces FPL to truly consider alternatives to the proposed new gas build at Dania Beach, and has access to information about alternative options to that plant

when it makes its decision on whether FPL can go forward with the new gas plant at Dania Beach, I will benefit. My concerns about additional climate change impacts would be better addressed, as would my concerns with the cost of operating a new gas plant (and fuel costs, going forward). As an FPL customer, I think the Commission must ensure that FPL makes sound investments, based upon thorough and current information.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Broward County, Florida on August 1, 2017.





Stanley F. Pannaman

STATE OF FLORIDA

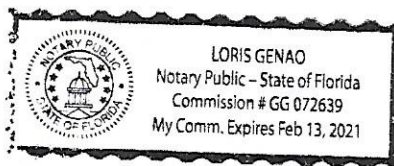
COUNTY OF Broward

BEFORE ME, the undersigned authority, personally appeared
Stanley Pannaman who is personally known or produced
Florida Driver license as identification, and who was sworn and says that
the foregoing averments are true.

Sworn to and subscribed before this 1st day of August, 2017.



Notary Public



**DECLARATION OF SIERRA CLUB MEMBER
DARRYL L. RUTZ**

I, Darryl L. Rutz, declare as follows:

1. My name is Darryl L. Rutz and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I live with my wife at 670 SW 67th Avenue in Pembroke Pines, Florida 33023. I have lived at this address since 1977. I have no plans to move. I also purchased a second home in 2008 for rental income purposes but now maintain it as a secondary personal residence: 413 Briarcliff Circle, Sebastian, Florida 32958.

3. I am a customer of Florida Power and Light Company (FPL) at both of my residences. I have been an FPL customer for over forty years.

4. I am retired. I was previously employed by the Florida Department of Labor.

5. I have been a Sierra Club member since February 2010. I joined Sierra Club because I am concerned with the effects our actions have on our natural environment and its wildlife. We have a "gold mine" of natural beauty in Florida, and we need to protect it. Presently, I am an executive committee member of both the Sierra Club Florida Chapter and the Broward County Group, serving so far in these positions for two and four years, respectively.

6. I am aware of FPL's project to add a new gas-burning plant to replace existing gas plants in Dania Beach, Florida. I am also aware that FPL petitioned the Florida Public Service Commission for an exemption from issuing a request for proposals (RFP) to evaluate

other options besides the project. I oppose the project and the exemption. In fact, the Executive Committee of Sierra Club's Broward County Group, of which I am a member, voted unanimously to oppose the project and use all lawful means to ensure that FPL fully evaluates and invests in other, clean energy options, especially money-saving energy efficiency and solar.

7. The project could lead to higher electric bills and financial hardship for me. I could potentially save money if FPL were to offer me cost-effective, clean energy choices, such as energy efficiency and solar. Instead, an exemption from the RFP process does the opposite. It reduces my choices and forces me to buy electricity from FPL that relies heavily on fossil fuels. Not only is the project costly to build, when the price of fossil fuels goes up, I would have to pay even more for my electricity, as FPL typically passes those fuel price increases on to customers. The recent rate hike that went into effect on January 1, 2017, to cover FPL's various gas-reliant projects shows how such projects could increase my bills. Any further increases due to this project would be a hardship for me now that I am retired and on a fixed-income.

8. As a Floridian and an FPL customer, I have an interest in governmental transparency and accountability. I understand that the Legislature charged the Florida Public Service Commission with protecting my interest in obtaining electricity at the lowest cost possible while also advancing clean energy options. But by granting FPL an exemption from issuing an RFP, the Commission does not appear to be protecting my interest. Without an RFP, it is unclear how the Commission will investigate the clean energy options to serve me and other FPL customers. Nor do I have any confidence that the Commission will be able to investigate other options without an RFP because the Commission has not identified any plan to do so.

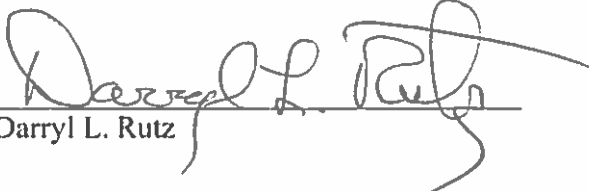
9. I am concerned that the project threatens my health because my primary residence is less than five miles from FPL's power plant in Dania Beach. If FPL builds the project, the new

gas plant in Dania Beach will continue burning fossil fuels and emitting air pollutants such as methane and nitrogen oxides for decades. I know that emissions of NOx are one of the main ingredients that form ground level ozone, and contribute to the formation of fine particles, both of which can trigger serious respiratory problems and other adverse health effects. I also know that the extraction and transport of natural gas produces methane emissions, which contribute to climate change, and that climate change increases smog, and that smog is bad for respiratory diseases.

10. The project threatens my outside activities. I lead Sierra Club outings because I enjoy spending time outside and I like helping others access and enjoy Florida's natural beauty. I also garden and pick mangos in my yard almost every day. I like to ride my bike, walk, and dine outside in downtown Lauderdale. If FPL builds the project, the resulting air pollution could prevent me from enjoying these outside activities.

11. If Sierra Club is successful and the Commission requires FPL to fully investigate and pursue clean energy options instead of the gas project, I will be spared from the adverse impacts of the project described above. My interest in government transparency and accountability will also be protected.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Broward, Florida on July -31 -, 2017.


Darryl L. Rutz

STATE OF FLORIDA

COUNTY OF Broward

BEFORE ME, the undersigned authority, personally appeared

Darryl L Rutz who is personally known or produced

FL DL R320-172-45-052-0 as identification, and who was sworn and says that
the foregoing averments are true.

Sworn to and subscribed before this 31 day of July, 2017.

[Signature]

Notary Public



Kevin Bruno
State of Florida
My Commission Expires 01/20/2018
Commission No. FF 84336

**DECLARATION OF SIERRA CLUB MEMBER
GERALDINE SWORMSTEDT**

I, Geraldine Swormstedt, declare as follows:

1. My name is Geraldine Swormstedt and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I reside at 1100 Imperial Drive #204, Sarasota, Florida 34236. I have lived there for 14 years and have lived in Florida since 1988.

3. I am a member of Sierra Club because I support their work to protect the environment through legal means. I appreciate their belief in enjoying and preserving the environment and value having a group of likeminded people who share those beliefs as well. I have served as both the chapter chair for the state of Florida and group chair for the Manatees/Sarasota group.

4. I am also a member of ManaSota 88, a local organization that lobbies for the protection of our environment.

5. I am a Florida Power and Light Company (FPL) customer and have been since 1988.

6. I am aware that FPL wishes to replace two of its gas power plants in Dania Beach with a new gas power plant. I am also aware that FPL requested an exemption from issuing a request for proposals (RFP) to evaluate other options besides the project. I oppose the project and the exemption.

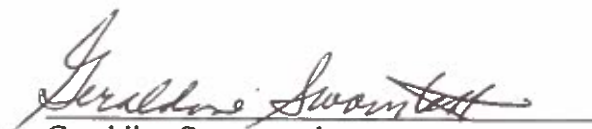
7. I am 83 years old and am now retired. I live on my retirement income, which vacillates according to the economy, and so I am very concerned about fluctuations in my electricity bills. I am worried that the new gas plant will increase my energy bills.

8. However, I am also concerned about paying bills that go towards an irresponsible energy future. I believe that we should be considering the negative health impacts of electricity generation from fossil fuels, particularly on children's health. As a resident of the Florida coast, I am also very worried about the impacts of climate change, which are being worsened by the continued burning of fossil fuels.

9. I believe that holding FPL accountable to the standard request for proposals process is imperative to the well-being of its customers. Transparency is very important to me as a consumer, and I think that trying to circumvent this part of the system is disingenuous. I want the information about alternative energy options that the proposals likely would provide to be identified, so they can be thoroughly evaluated and considered, both by FPL, as well as the Public Service Commission, and by customers like me.

10. I want FPL to know that their customers are concerned about their electricity generation choices, even if we do not live in the immediate area of the proposed power plant. The choices that they make anywhere in Florida affect us all as customers and citizens.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Sarasota, Florida on August 1st, 2017.

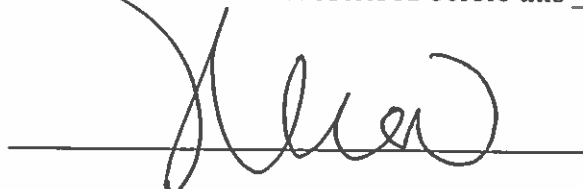

Geraldine Swormstedt

STATE OF FLORIDA

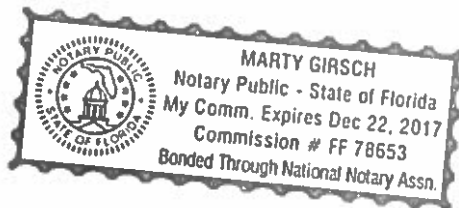
COUNTY OF FLORIDA

BEFORE ME, the undersigned authority, personally appeared
GERALDINE SWORMSTEDT who is personally known or produced
FDL S 652 29634742-0 as identification, and who was sworn and says that
the foregoing averments are true.

Sworn to and subscribed before this 1ST day of ~~July~~, 2017. 16th AUGUST 2017



Notary Public



**DECLARATION OF SIERRA CLUB MEMBER
JAMES D. TEAS**

I, James D. Teas, declare as follows:

1. My name is James Teas and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I reside at 8445 SW 181 Terrace, Miami, Florida 33157. I have lived at this residence for 24 years come this October (2017). I am a customer of Florida Power and Light Company (“FPL”) and have been for my entire residency in Florida. I have worked as a middle and high school science teacher for the past 12 years.

3. I am a Sierra Club member. I first joined in August 1989 and have served as Chair of the Miami Group. I also served as the treasurer of Inspiring Connections Outdoors (“ICO”), a program within Sierra Club that focuses on providing outdoor opportunities to underserved communities.

4. I joined Sierra Club because of my interest in environmental health and protection and out of a desire to become more involved with my community.

5. I am involved with several additional environmental groups, including the Miami Pine Rocklands Coalition and the Climate Leadership Engagement Opportunities (CLEO) Institute. My work with the Miami Pine Rocklands Coalition involves advocating for the preservation of endangered habitat. This land originally spanned close to 20,000 acres but currently less than 2,000 acres remain, with the largest parcel now at risk of development. I

joined CLEO because I have a very strong interest in promoting the public's awareness of the impacts of climate change, especially the impacts that are occurring here in Florida.

6. I appreciate Sierra Club's extensive work to protect the environment, and I feel that its work benefits both me and the members of my community. By advocating for pollution reduction, energy efficiency improvements, and renewable energies, Sierra Club continues to prove its dedication to the environment, its members, and future generations. I care about Sierra Club's work because I care deeply about the many environmental issues that pose threats to my community in Florida.

7. I support the transition from fossil fuel electricity generation to clean, affordable, and safe renewable resources because I believe in protecting our environment for future generations. As a science teacher and an FPL customer, I would prefer that my energy come from cleaner, more responsible sources to help improve our energy future.

8. As a longtime Florida resident and a public school science teacher, I am especially concerned about the impacts of climate change on this state, including the rising sea levels that threaten coastal areas.

9. I am also concerned about the worsening air quality statewide, which is caused in part by burning fossil fuels.


10. I am aware that FPL is planning on replacing two gas power plants with a new gas power plant at Dania Beach. I am also aware that FPL has requested that the Florida Public Service Commission (the "Commission") allow it to be exempt from the Request for Proposals ("RFP") process meant to ensure responsible investigation into suitable alternatives. I do not support this exemption.

11. If the Commission grants this exemption, and the Dania Beach gas plant is approved by the Commission and built, my community and I will be at risk for covering any additional expenses related to the construction and operation of the proposed new gas plant. I am considering retiring in the next year and will therefore be on a fixed income. I am worried about fluctuations in my utilities bills, which would be a financial burden on my family.

12. In addition to possible higher rates for electricity, the continued use of gas by FPL contributes to the negative effects of global climate change by continuing to emit greenhouse gases. I am opposed to relying on gas because of the environmental and health risks posed by its continued use and because of the availability of the clean, low cost, low risk alternatives of renewable energy.

13. If Sierra Club is successful in its protest against FPL's request for exemption from issuing an RFP, I believe I will benefit because the RFP process will generate important information about possible alternatives to gas, such as renewable energy, and how those costs compare to the new gas plant. This in turn will increase transparency, which is important to me because I believe my community has the right to be informed about and influence the choices about the sources of our power. It also means that, if FPL goes on to seek review of the new gas plant in a need determination proceeding the Commission will be able to make a fairer and more informed decision with that information..

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Miami, Florida on August 5, 2017.



James D. Teas

STATE OF FLORIDA

COUNTY OF Miami-Dade

BEFORE ME, the undersigned authority, personally appeared

James D. Teas who is personally known or produced

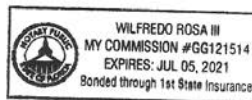
Florida Drivers License as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 5 day of August, 2017.

W

Notary Public



**DECLARATION OF SIERRA CLUB MEMBER
DIANA UMPIERRE**

I, Diana Umpierre, declare as follows:

1. My name is Diana Umpierre and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I live at 1105 NW 122nd Terrace, Pembroke Pines, Florida 33026. I have lived at this residence for 15 years and have been a customer of Florida Power and Light Company (“FPL”) since I moved to Florida in 2000.

3. I joined Sierra Club in 2014 because I was interested in taking local action on environmental issues, especially concerning the Everglades. I now work for Sierra Club on an Everglades restoration campaign. I also serve on the Board of Directors of International Dark-Sky Association, an environmental group committed to reducing light pollution.

4. I am aware that FPL is planning to replace two existing gas power plants with a new gas plant. I am also aware that FPL is requesting an exemption from the rule that requires it to issue a request for proposals, a process that is meant to ensure that other options besides the project can be evaluated. I oppose the project and the request for exemption.

5. The area in which the plant is planned, Dania Beach, is one of my favorite places to visit for recreation. It has lovely beaches and parks that I value very much and I visit at least once a month. I am worried that the continued burning of fossil fuels in this area could negatively impact my outdoor activities due to air pollution.

6. I am concerned with my electric bill, not only in its cost, but also in its accountability. It worries me to know that part of my bill goes to support an irresponsible energy future. FPL's current attempts to build a new gas power plant without issuing a request for proposals and obtaining and evaluating alternatives to the project perpetuates an infrastructure that is reliant on energies of the past, and as a citizen of Florida and an FPL customer, I believe we need to be moving towards the future with renewable energy and energy efficiency improvements. I am worried that if FPL does not issue a request for proposals, it is unclear how the Public Service Commission, when it is asked to review the project, will investigate or have access to information on other clean, renewable energy options that would serve me and other FPL customers.

7. I am concerned with FPL's continued reliance on fossil fuels and would prefer that they consider alternatives, such as solar. My professional background is geology and in my previous work as an environmental consultant, I often dealt with fossil fuel contamination of soils and water. I have witnessed firsthand the costly, dangerous impacts fossil fuels can cause from accidents or leaks.

8. As a Florida resident, I am also worried about the detrimental effects of climate change, which I believe we are already witnessing in our state in the form of sea level rise and resulting flooding. I know that burning gas, as well as emissions leaking during extraction and transportation, contributes to climate change. It is not a future problem—it is a reality right now and we cannot afford to have more gas plants in south Florida. We as citizens will have to absorb the costs associated with adapting to climate change, and that is certainly a motivator to me to be part of the solution. It may not be that one decision by FPL in Florida will solve the global problem, but we all need to play a responsible part if we want to make a change.

9. I hope that if Sierra Club is successful in its goal to ensure that FPL complies with the request for proposals process, FPL will be motivated, or required, to consider alternatives to gas. As a private citizen, I want to be able to send a message to FPL that what we want as consumers is to be assured that our utility company is responsibly comparing all options available and giving alternatives, such as renewable energy, their due consideration. I want my power supplier to be a leader in clean, renewable energy and I believe that adhering to the requirement to issue a request for proposals could help spur investment in such projects.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Palm Beach County, Florida on

August 2nd, 2017.


Diana Umpierre

STATE OF FLORIDA

COUNTY OF Palm Beach

BEFORE ME, the undersigned authority, personally appeared

Diana Umpierre who is personally known or produced

FL DL as identification, and who was sworn and says that

the foregoing averments are true.

Sworn to and subscribed before this 2nd day of August, 2017.



Notary Public



Daniel Yockey
Notary Public
State of Florida
My Commission Expires 5/23/2020
Commission No. FF 995463

**DECLARATION OF SIERRA CLUB MEMBER
WINSTON MARK WALTERS**

I, Winston Mark Walters, declare as follows:

1. My name is Winston Mark Walters and I am over the age of 18 and competent to give this declaration. I attest that the following statements are true and correct to the best of my knowledge and are based on my personal experiences and my review of publicly available information.

2. I am a senior research associate working on brain cancer research at the University of Miami Miller School of Medicine.

3. I have been a Florida Power and Light Company (“FPL”) customer since I moved to Miami in 1983. I have lived at my present address, 315 NW 19th St., Miami, Florida, for 11 years.

4. I am currently the Sierra Club Florida Chapter Chair and a volunteer and an active leader with Sierra Club’s Inspiring Connections Outdoors (formerly Inner City Outings) program in Miami. I also serve as the Outings Chair for the Miami Group and am a member of the Sierra National Outdoor Leadership Team and the Activity Program Safety Team.

5. I believe Sierra Club’s work to educate communities and promote environmental activism is essential to protecting and preserving our natural environment and public health. I have been a Sierra Club member since 1997. I joined the Sierra Club after I was invited on a Sierra Club Inspiring Connections Outdoors outing. After spending a weekend camping, I realized that, since moving to Miami, I had not been spending enough time outdoors. In addition, given that 95% of the kids on the outing were African American and none of the other

adult volunteers who were doing all of the great stuff to get these kids engaged in outdoor activities were black, I felt an obligation to make sure they saw themselves reflected in the adults who were getting them outdoors and engaged.

6. I am aware that FPL is seeking to build a new gas fueled power plant in Dania Beach and that FPL has petitioned the Florida Public Service Commission (“the Commission”) for exemption from issuing a request for proposals for the project.

7. I live less than 21 miles from FPL’s plant in Dania Beach. And as a leader of Inspiring Connections Outdoors, I take kids on kayaking and canoeing trips, picnics, and service projects throughout the Lauderdale area.

8. As a Floridian and an FPL customer, I am concerned with FPL’s overreliance on gas. I live in the “sunshine state” and it is appalling that FPL is not trying to capture as much solar energy as possible and is instead still relying primarily on fossil fuels, including gas. In fact, it bothers me that FPL has seemingly put forth a great deal of effort promoting anti-solar policies and putting up roadblocks to stifle renewable energy in Florida.

9. I am absolutely concerned about where my energy comes from and would like to see FPL move away from fossil fuels like gas towards renewable energy and energy efficiency. The environmental impacts from the burning of fossil fuels directly impact my kids and me. Miami is ground zero for climate change and sea level rise, and I do not want my kids to have to move out of the city in the future just because we are not doing enough now to reduce fossil fuel consumption. My kids will have to deal with all the negative consequences of allowing FPL to continue its practices of not exploring or capturing Florida’s solar potential. FPL’s use of fossil fuels to generate electricity, and it’s proposal to build a new gas plant at Dania Beach, does nothing to address the very serious threats to my community from climate change and sea level


rise, nor does it go anywhere towards reducing reliance on extractive resources. I would prefer my energy come from cleaner, low-cost, low-risk sources such as solar or wind power generation. FPL must not be allowed an exemption from the required RFP process in order to ensure that other available, cost-effective options such as solar, wind, storage, and demand-side resources are appropriately considered before the Commission considers any new gas plants at Dania Beach.

10. In addition, I am concerned with the cost of my electricity and frustrated about the future rate increases that I expect I will see in my electricity bills to cover FPL's construction and operation costs for a new gas-fired power plant at Dania Beach. FPL almost routinely goes to the Commission to increase rates for any number of reasons, including to recapture costs for new plants. As I am in opposition to the new gas plant at Dania Beach, I am extremely frustrated and opposed to the certain future rate hikes FPL will impose on its customers to recoup the costs of the new Dania Beach power plant, despite the fact that I, and other customers, want clean, renewable energy generation. If FPL relied on solar or wind power instead of gas, my future electricity costs would almost certainly be lower. In fact, I am so concerned with the cost of my electricity and FPL's overreliance on fossil-fuel fired electricity that I am currently in talks with a local co-op about getting solar panels installed on my home in order to reduce my electricity rates.

11. If the Commission denies FPL's petition for an exemption from the RFP process, I will benefit because my concerns about my electricity rates and the impacts to the environment and climate change could be alleviated. Through an appropriate RFP process, I am confident that FPL and the Commission will have the wherewithal to recognize that, considering this is the sunshine state, solar energy should be pursued at this point rather than natural gas, since solar is

the most cost-effective and responsible option. If FPL and the Commission are forced to look at alternatives for energy generation, not only will pollution and climate change impacts be lessened, but I think the costs to generate electricity for customers like me will be lower.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Miramar, Florida on August 1, 2017.



Winston Mark Walters

STATE OF FLORIDA

COUNTY OF Miami Dade

BEFORE ME, the undersigned authority, personally appeared
Winston Mark Walters who is personally known or produced
_____ as identification, and who was sworn and says that
the foregoing averments are true.

Sworn to and subscribed before this 1st day of August, 2017.



Notary Public

