205

1 BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

2

3 DOCKET NO. 060635-EU

4 In the Matter of

5 PETITION FOR DETERMINATION OF NEED FOR

ELECTRICAL POWER PLANT IN TAYLOR COUNTY

6 BY FLORIDA MUNICIPAL POWER AGENCY, JEA,

REEDY CREEK IMPROVEMENT DISTRICT, AND

7 CITY OF TALLAHASSEE.

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8

9 VOLUME 3

10 Pages 205 through 259

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13 THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

14

15 PROCEEDINGS: HEARING

16

BEFORE: CHAIRMAN LISA POLAK EDGAR

17 COMMISSIONER ISILIO ARRIAGA

COMMISSIONER MATTHEW M. CARTER, II

18 COMMISSIONER KATRINA J. TEW

COMMISSIONER KENNETH W. LITTLEFIELD

19

DATE: Wednesday, January 10, 2007

20

TIME: Commenced at 9:30 a.m.

21

PLACE: Betty Easley Conference Center

22 Room 148

4075 Esplanade Way

23 Tallahassee, Florida

24 REPORTED BY: MARY ALLEN NEEL, RPR, FPR

25 APPEARANCES: (As heretofore noted.)

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1 P R O C E E D I N G S

2 (Transcript follows in sequence from

3 Volume 2.)

4 MS. BRUBAKER: The next speaker is Janice

5 Blair, to be followed by Jay Liles, Dorothy Bacot --

6 excuse me if I'm pronouncing. Thank you. And then

7 Annette Long.

8 Thereupon,

9 JANICE BLAIR

10 was called as a witness and, having been first duly

11 sworn, testified as follows:

12 DIRECT STATEMENT

13 MS. BLAIR: Good afternoon. My name is Janice

14 Blair. Thank you for having me.

15 I would like to introduce myself as the silent

16 customer, the customer without a voice, the customer who

17 gets a bill, but it's not in my name. I, Janice Blair,

18 am the silent customer/consumer of the Taylor Energy

19 Center through the purchase of utilities and electricity

20 from Tallahassee Utilities, City of Tallahassee. I

21 without consent and without any self-determination

22 ultimately pay for colleges to have their lights on, for

23 the energy that lights this room, to the tune from 2005

24 to 2006 of $38 million plus per year.

25 I am not an externality in the cost. It is

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1 associated to me through taxation and appropriation by

2 my citizenship. I am a consumer and a customer in what

3 I consider this dirty deal. And what I mean by the

4 dirty deal is over polluting.

5 Therefore, I too request denial of this needs

6 determination due to lack of cost-effectiveness and

7 failure to address risks associated to the citizens of

8 Taylor County, who will, as well as I, pay for these

9 same said utilities.

10 Taylor County has zero need to develop

11 electricity. Taylor County fails to thrive. We had

12 more people in Taylor County at the turn of the century

13 than we do today. We educate our children, and they

14 leave us. They refuse to reside in a community that

15 they consider a dump. My children suggest that our

16 community is so poor quality of life that instead of my

17 coming here today and requesting your participation in

18 helping me to improve this situation that I forget it

19 all and just allow them to come get me and take me away

20 from my home.

21 I'm sorry. I'm nervous.

22 As I said, Taylor County has no need for

23 electrical power development and will not receive any

24 benefit from the location of a power plant of this

25 magnitude in our county. Although the risks associated

210

1 with a plant of this size is well documented, the State

2 of Florida, TEC, and the Public Service Commission have

3 all failed to pursue evidence to establish exposure to

4 unnecessary risks by the most affected citizens,

5 consumers, and a lack of benefits necessary to warrant

6 the permitting of this facility.

7 The information being presented from the

8 applicants, TEC, creates an imperfect market which

9 excludes added costs for the most affected in the

10 purchase formula, failure to assess and include the

11 higher risks associated with an already overburdened,

12 overexposed community, and the added cost to the

13 community and the State of Florida through health costs

14 to the citizens already uninsured and reliant on the

15 State of Florida Medicaid funding to cover the cost of

16 chronic illness associated with a plant of this size.

17 18.5 percent of the residents of Taylor

18 County, according to the United States census, live

19 below the poverty line with children under the age of

20 five in the household. These families are more often

21 reliant on Medicaid for their children to have health

22 care, for those asthma attacks that doctors have talked

23 to us about. The cost comes out of each and every one

24 of our pockets collectively.

25 Doctors Memorial Hospital at 33 North Byron

211

1 Butler Parkway, Perry, Florida, administrator Rick Brown

2 in a public hearing before the Taylor County

3 Commissioners in September of 2005 testified the number

4 one discharge diagnosis is COPD and lung cancer for the

5 past three years.

6 Yesterday a citizen of Taylor County was given

7 Social Security disability benefits for having COPD. He

8 is 38 years old. He has two children under the age of

9 10 in his house, a 38-year-old father with chronic

10 obstructive pulmonary disease. Doctors assure me that

11 people this young do not have COPD. This is a disease

12 more often found in the elderly.

13 Lung cancer, 70 percent of all persons

14 diagnosed with lung cancer die within the first year.

15 70 percent of all lung cancers are associated to

16 smoking, 70 percent, not 100 percent. 20,000 people die

17 per year in the United States of America as a result of

18 lung cancer who have never smoked, and 60 percent of

19 those diagnosed with lung cancer now are former smokers.

20 They do not currently smoke.

21 The reason that our lung cancer patients

22 aren't here today, as I've said before, they die. They

23 die before this hearing process is completed. From the

24 time we heard of the coal plant until today, those

25 70 percent of the people diagnosed with lung cancer in

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1 those years are dead.

2 Without understanding this cost to the

3 citizens of Taylor County and the citizens of the State

4 of Florida, who pay this added cost through higher

5 health care, it is impossible for us to have a correct

6 accounting of what added pollution will cost us. So

7 please deny the need determination for the TEC until

8 more facts are ascertained and do not allow the people

9 of Taylor County to become a silent partner in their own

10 poisoning.

11 Thank you.

12 CHAIRMAN EDGAR: Thank you, Ms. Blair. And I

13 hope you'll note that there was no reason to be nervous.

14 MS. BLAIR: Thank you.

15 CHAIRMAN EDGAR: Thank you for your comments.

16 Would you like to share that document so that -- with

17 our staff so --

18 MS. BLAIR: Yes, I would.

19 CHAIRMAN EDGAR: -- that we can mark it as we

20 would --

21 MS. BLAIR: And the document attached is the

22 health administrator from the Perry hospital's hearing

23 testimony.

24 CHAIRMAN EDGAR: Thank you, Ms. Blair. And

25 that document –-

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1 MS. BLAIR: Oh, and one more thing.

2 CHAIRMAN EDGAR: Yes, ma'am.

3 MS. BLAIR: In Ms. Johnson's material that she

4 turned in, the last page from Gary Brinkworth is the

5 38 million accounting that we pay in utility payments,

6 the citizens do, to keep our lights on.

7 CHAIRMAN EDGAR: Thank you.

8 MS. BLAIR: Thank you.

9 MS. BRUBAKER: That would be noted as Item 99.

10 CHAIRMAN EDGAR: Yes.

11 MS. BLAIR: Thank you.

12 CHAIRMAN EDGAR: Thank you.

13 (Exhibit Number 99 was marked for

14 identification.)

15 CHAIRMAN EDGAR: Ms. Brubaker, if you would,

16 call the next person on the list, and then after we have

17 heard from them, we will take a short break afterwards,

18 and then we will come back.

19 MS. BRUBAKER: Mr. Liles.

20 Thereupon,

21 JAY LILES

22 was called as a witness and, having been first duly

23 sworn, testified as follows:

24 DIRECT STATEMENT

25 MR. LILES: Thank you, Madam Chairwoman and

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1 Commissioners. My name is Jay Liles. I'm here as a

2 citizen of Leon County and on behalf of the Florida

3 Wildlife Federation.

4 CHAIRMAN EDGAR: And will you -- I'm sorry.

5 Will you spell your name for me?

6 MR. LILES: Sure. L-i-l-e-s.

7 CHAIRMAN EDGAR: Thank you.

8 MR. LILES: We stand with the fine people that

9 you've heard from today from Taylor County and elsewhere

10 in opposition to this coal power plant in Taylor County.

11 And I want to indicate that I'll read from my remarks,

12 because I am neither as compelling as Mrs. Deckert in

13 her testimony nor as eloquent in Mrs. Kelynack in her

14 testimony, but I can only say I wish I had had a teacher

15 like her when I was in school. And as I told her, I

16 probably would have ended up in the principal's office

17 on many occasions. She's a fine lady.

18 Among the many factors that you, Madam

19 Chairwoman, identified in your editorial, and I thought

20 it was a thoughtful editorial, about the determination

21 of the need for this utility plant was the determination

22 of whether or not the proposed plant is the most

23 cost-effective alternative. And from the perspective of

24 our organization, the Wildlife Federation, we hope you

25 would consider costs to include the potential negative

215

1 financial impacts associated with the burning of fossil

2 fuels as it relates to climate change and its direct

3 economic impacts on Florida, and specifically on this

4 region of the state.

5 Scientists tell us that the evidence that ties

6 the burning of fossil fuels, including coal, to climate

7 change is irrefutable. What is unclear is how long we

8 have to correct the impacts. However, as our Public

9 Service Commission, we look to you to make decisions

10 today that will affect all of us in the years to come,

11 both in our quality of life and for our children and

12 their children.

13 Among the more than 50,000 Floridians who call

14 themselves both members and supporters of the Florida

15 Wildlife Federation, a large segment of them are hunters

16 and anglers who both enjoy our waters and land as their

17 recreation and as a way to make a living. They have

18 noted a significant increase in the rate of sea level

19 rise already due to the melting glaciers and ice caps,

20 and that's one of the most direct consequences of global

21 warming.

22 And we in Florida are right on the front line

23 of that impact. The vast majority of Florida's marine

24 fish and shellfish species depend on salt marshes,

25 seagrass beds, and other habitat found in the state's

216

1 bays and estuaries, so the projected changes to these

2 habitats due to sea level rise would have an enormous

3 impact on Florida's commercial and recreational

4 fisheries.

5 I would like to cite one example from the

6 findings of a recent study commissioned by the Wildlife

7 Federation and our partners, the National Wildlife

8 Federation, entitled, appropriately enough, "An

9 Unfavorable Tide." Copies of this are being distributed

10 to you. They may also be found on our website at

11 fwfonline.org.

12 The area I would focus on is Apalachicola, and

13 this will only take me a moment.

14 Sea level rise is projected to cause a

15 61 percent decline in salt marsh habitat in Apalachicola

16 Bay, making coastal waters and seagrass beds more

17 vulnerable to pollution. Inundation is expected to

18 cause a significant decline in hardwood swamps,

19 particularly along the Apalachicola River. An estimated

20 13 to 16 percent of these swamps are expected to convert

21 to brackish marsh, which had been virtually nonexistent

22 in this area.

23 In addition, inundation and overwash is

24 expected to have a significant effect on the barrier

25 islands to the south. Those include St. George Island,

217

1 St. Vincent, and Little St. George. I am no expert on

2 property values on St. George Island, but I think we can

3 all appreciate the impacts this would have to that

4 community.

5 Species that would face the greatest impact

6 for salt marsh and seagrass loss in Apalachicola include

7 the oyster, flounder, spotted sea trout, redfish,

8 tarpon, and grouper. All of these are common to any

9 sports fisherman, or seafood enthusiast, for that

10 matter, and they're known as the best delicacies the

11 Gulf has to offer. A change in habitat will have a

12 significant impact on the ability to harvest and market

13 these species, thus creating an economic hardship for

14 our friends who live and work in that area and provide

15 the services to the people who come to the State of

16 Florida to fish our Gulf. In 19 -- I'm sorry. In 2005,

17 for that one area, this was a $108 million revenue

18 producer, creating 2,000 jobs.

19 In closing, the Federation encourages you to

20 consider these factors in determining the need and

21 negative impacts of a coal power plant in Taylor County.

22 And I am available to you to answer any questions you

23 may have.

24 CHAIRMAN EDGAR: Thank you, Mr. Liles. Any

25 questions? No?

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1 We will need to mark.

2 MS. BRUBAKER: Just for clarification,

3 Mr. Liles, do you intend for the entire document to be

4 submitted or just the two pages?

5 MR. LILES: I would like for the entire

6 document to be submitted. There are the same examples

7 given for other coastal cities around the state that I

8 would like for the Commissioners to have an opportunity

9 to look at, including Tampa, the Daytona area,

10 Jacksonville, and South Florida. So I would certainly

11 appreciate it if you would take the opportunity to look

12 at those.

13 CHAIRMAN EDGAR: Okay.

14 MS. BRUBAKER: Thank you for the

15 clarification.

16 CHAIRMAN EDGAR: We will do that. I thank

17 you. And I'm at 100. Is that where you are?

18 MS. BRUBAKER: Yes.

19 CHAIRMAN EDGAR: Okay. We will mark that as

20 Exhibit 100.

21 (Exhibit Number 100 was marked for

22 identification.)

23 CHAIRMAN EDGAR: It is approximately 4:17. I

24 need to stretch. Excuse me for just a moment.

25 COMMISSIONER CARTER: Madam Chairman, if I

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1 may, before we take a break, I know we're all tired and

2 all like that, but I wanted to thank you publicly,

3 because with your leadership, you've always shown a

4 great amount of tolerance to allow any member of the

5 public, particularly -- there will be some people that

6 won't be coming back, but I wanted to thank you publicly

7 for allowing people to come and be heard. I'm proud to

8 serve with you. Thank you.

9 CHAIRMAN EDGAR: Thank you, Commissioner.

10 It's an important part of our process. I appreciate

11 everybody's patience. It is a long day. I know that.

12 We will take a short break just to stretch and clear the

13 cobwebs a little bit, and we will come back and continue

14 at 4:30 by the clock on the wall.

15 (Short recess.)

16 CHAIRMAN EDGAR: Okay. I know that we went a

17 little bit beyond the break time that I had said. I

18 apologize for that, but I think we all needed a few

19 minutes. I know I did. So we are back. We are

20 refreshed.

21 My intention is to continue through this

22 evening and hear from everybody that has signed up or

23 has indicated they would like to participate in the

24 public testimony portion of this proceeding today.

25 Again, we would just ask everybody to be somewhat

220

1 cognizant of the time and of other people's need to

2 speak, but we will be here, and we will continue until

3 we are done.

4 Realizing the late hour, then I think what we

5 will do then is adjourn for the day, break, recess,

6 whatever is the appropriate term, and we will come back

7 in the morning and begin the evidentiary portion of the

8 proceeding then. And at that time, first off we will

9 take all procedural matters, including taking up the

10 items that have been tendered as possible exhibits, if

11 that meets.

12 Okay. Ms. Brubaker.

13 MS. BRUBAKER: Dorothy Bacot.

14 MS. BACOT: Bacot.

15 MS. BRUBAKER: Thank you.

16 Thereupon,

17 DOROTHY BACOT

18 was called as a witness and, having been first duly

19 sworn, testified as follows:

20 DIRECT STATEMENT

21 MS. BACOT: I'm Dorothy Bacot. I'm a resident

22 of Madison County. And I am opposed to the Taylor

23 County Energy Center for the reasons that have been

24 presented so numerously here today. I would ask that

25 the Commission deny the need determination. But if the

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1 Commission does not see to do that and decides for the

2 Taylor Energy Center, I would implore you to not allow

3 the use of pulverized coal.

4 I think with everything that has been said

5 today, I don't really need to say anything in addition

6 to that. And I really appreciate the opportunity to

7 speak with this group and just thank you very much and

8 look forward to a good decision from the Commission.

9 Thank you.

10 CHAIRMAN EDGAR: Thank you, ma'am.

11 Excuse me. Commissioner Carter.

12 COMMISSIONER CARTER: I just wanted to say

13 thank you so much for coming. Excuse me. Let me turn

14 my mike on. I did want to say thank you. I know a lot

15 of our friends and neighbors came from distances, and we

16 do want to thank you for giving up your time to come and

17 speak with us. This is a very important issue, but you

18 are far more important than any of this paper that we've

19 to read tonight. So thank you so much for coming.

20 MS. BACOT: Thank you. I appreciate it.

21 COMMISSIONER CARTER: Thank you, Madam Chair.

22 CHAIRMAN EDGAR: Thank you. Ms. Brubaker.

23 MS. BRUBAKER: The next witness in turn is

24 Annette Long. We've been informed that Ms. Long has had

25 to leave. However, she has left behind comments that

222

1 she would like to have identified as an exhibit. By my

2 count, that would have us at 101 for Ms. Long.

3 (Exhibit Number 101 was marked for

4 identification.)

5 MS. BRUBAKER: The next speaker is Carl

6 Ferguson. Is Mr. Ferguson present?

7 Tracy Fullington? Tracy Fullington?

8 CHAIRMAN EDGAR: Why don't you go on, and we

9 can come back in a few minutes.

10 MS. BRUBAKER: Okay. Kim O'Connor, to be

11 followed by Brian Lupiani and Joy Towles Ezell.

12 MS. O'CONNOR: This is Tracy. Do you want her

13 to go next?

14 CHAIRMAN EDGAR: Whichever order works, truly.

15 Okay. Thank you. Ma'am, if you would, begin by telling

16 us your name.

17 Thereupon,

18 TRACY FULLINGTON

19 was called as a witness and, having been first duly

20 sworn, testified as follows:

21 DIRECT STATEMENT

22 MS. FULLINGTON: Thank you. My name is Tracy

23 Fullington, and I'm here as a private citizen and

24 utility ratepayer to the City of Tallahassee.

25 CHAIRMAN EDGAR: And will you spell your name

223

1 for us?

2 MS. FULLINGTON: T-r-a-c-y,

3 F-u-l-l-i-n-g-t-o-n. And I reside at 1555 Delaney

4 Drive, Apartment 1617, Tallahassee, Florida, 32309.

5 First I would like to thank you, Madam

6 Commissioner and Commissioners, for your attention

7 today. I really appreciate the great deal of attention

8 you're giving to everyone speaking today.

9 Most of my points have been made by other

10 people, so I'm just going to speak from the heart here

11 about being a resident here in Tallahassee and how I

12 would like to ask this Commission to find that we don't

13 have a need for a coal-burning and a carbon

14 dioxide-emitting power plant like the one proposed by

15 the applicants here.

16 I'm also here as an asthmatic, and I would

17 like to see our state evolve beyond air-polluting

18 industries that cost more in health risks and

19 environmental degradation than any service we could

20 possibly need from them. And any environmental issues

21 that I touch on are strictly in the context of their

22 cost to the taxpayers of Tallahassee and the State of

23 Florida, and also why it's just not cost-effective to

24 continue powering our energy needs by coal.

25 As a taxpayer, I would rather see my money go

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1 toward research in areas which are advertised by our own

2 Department of Energy outside, such as green building and

3 alternative renewable energy sources, solar, geothermal,

4 hydropower, biomass, hydrogen, and wind. And even

5 improved mass transit could lower our need for energy

6 here in Tallahassee. And I would like to see us

7 preserve our beautiful canopy roads where the trees

8 actually outnumber the cars. And not many places are

9 left that can say that.

10 I urge you, Commissioners, to revolutionize

11 the way we meet our energy needs as a growing state and

12 economy. But we also need to remember that we're a

13 growing community of concerned citizens. I ask you to

14 please figure into your estimates of how much this power

15 plant will actually cost to build and include in those

16 estimates the proposed carbon regulations, which should

17 be going into effect within the next few years. And

18 I'll refer back to the Union of Concerned Scientists

19 report, which I believe has been submitted as Exhibit

20 No. 88, already referred to by Pat McVety, Dr. Bellamy,

21 and submitted by Ken Miller. Dr. Bellamy, you know, he

22 mentioned that just a 500-megawatt plant produces the

23 annual global warming emissions of roughly 600,000 cars.

24 I would also like to touch on how this is

25 going to affect the taxpayers. What's going to happen

225

1 when this plant costs so much more to build than they're

2 estimating? Who are they going to pass the costs on to?

3 Are they going to charge the ratepayers, or are they

4 going to hide those costs in increasing the property

5 taxes?

6 These are issues that are being ignored by the

7 power plants. They don't want to recognize that these

8 carbon taxes are probably going to be a reality and that

9 they are going to increase the costs, and that's

10 something that we really do need to focus on. And if

11 regulators do authorize the construction of a coal

12 plant, they should at least require them to pass costs

13 on to their shareholders and make sure that those don't

14 get passed on to their ratepayers.

15 I would like to thank you for your time and

16 consideration.

17 CHAIRMAN EDGAR: Thank you, ma'am.

18 Ms. Brubaker.

19 MS. BRUBAKER: Kim O'Connor, please.

20 Thereupon,

21 KIM O'CONNOR

22 was called as a witness and, having been first duly

23 sworn, testified as follows:

24 DIRECT STATEMENT

25 MS. O'CONNOR: I have the flu just a little

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1 bit left in my throat, but it's making it hard for

2 people to hear me. So if you can't understand me, don't

3 worry about trying to make me repeat it. It just won't

4 help.

5 I want to thank you, Chairman Edgar, and

6 Commissioner Tew and Commissioner Carter, for staying

7 here for all of us, the public part. You know, it's

8 your call one way or the other, and I know that all of

9 us really, really appreciate it.

10 I don't have much left to say after my fellow

11 Gator Tracy just talked. I thought I was making all

12 those economic points. But I just want Buckeye to pay

13 attention to the BCS game that we just had on

14 January 8th, and we whipped Buckeye ass from Florida.

15 I ran for mayor on this issue here in

16 Tallahassee and got 4,000 votes. It was mostly people

17 that just know me. And really, we were trying to send

18 the mayor a message, because I supported him the first

19 time, and I gave money to his campaign and I campaigned

20 for him, I was just so disappointed on the issue. I

21 just thought, this is a good, smart guy, and if we could

22 get him to the forums and, you know, hear from the

23 environmentalists and the doctors and all those people,

24 that it would change his mind and his heart, but I was

25 wrong about that.

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1 And the part that I brought to the table as a

2 candidate was the economic part, because I don't have to

3 give the -- or I didn't give the environmental and

4 medical part much shrift, because I'm a member of the

5 National Green Party, and it's in our platform to oppose

6 all coal-fired plants, so this was a no-brainer to me in

7 Taylor County.

8 And there's like 40 or 50 trying to be

9 permitted in the United States, so from that point, I

10 just was thinking that economics, you know, you're

11 looking at -- they're taking a snapshot -- that's how

12 they like to talk about it at the City, we're taking a

13 snapshot, we're taking a snapshot. But the snapshot

14 doesn't show any kind of time line into the future when

15 there's 40 or 50 more United States coal plants looking

16 to get that coal, and the economics are not going to

17 work into the future.

18 And when we look at 2012, the year that this

19 plant is supposed to come online, the City of

20 Tallahassee, that's the first year we have a shortfall

21 in the amount of electricity generated versus the amount

22 needed, and it's only like 51 -- I get mixed up.

23 Fifty-one of the littlest watts, not the great big

24 watts, or 21. It's just some small thing that over 12

25 years -- excuse me, over six years to 2012 we can

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1 address through demand-side management.

2 And I just think, just like Tracy said -- and

3 the other thing is, in Kentucky they're building a

4 similar plant, similar size, and in the two years that

5 they've been working on it, they increased -- they had

6 to increase the cost projection because the cost of

7 materials went up, we know, with Katrina, the cost of

8 building materials have gone sky high, the cost of labor

9 went up, the cost of transportation went up, the cost of

10 coal went up. So they had to increase it. But it was

11 $1 billion, and did they increase it 10 percent to

12 $1.1 billion, or, you know, 20 percent? No, they

13 increased it 50 percent to $1.5 billion, and that's just

14 after two years with a six-year time frame.

15 So when you look -- I think your mission is,

16 you know, that it has to be cost-effective, and I hope

17 that your number crunchers can help see the projected

18 lines on all of these costs, and I think maybe you'll

19 see that it's not cost-effective for the amount of

20 electricity that's needed now.

21 And thank you very much for your time.

22 CHAIRMAN EDGAR: Thank you, Ms. O'Connor.

23 MS. BRUBAKER: We have received an exhibit

24 from Ms. O'Connor; is that correct? No? Excuse me.

25 I'm in error.

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1 Mr. Lupiani.

2 CHAIRMAN EDGAR: Okay. Just a moment. I have

3 one, two, three documents that Mr. Breman passed out to

4 us just, I believe, as Ms. O'Connor was going to speak.

5 Do I need to mark these? I don't want to get my piles

6 confused.

7 MS. BRUBAKER: I'm afraid that was handed out

8 a little anticipatory. It's for Ms. Towles Ezell, who

9 will be testifying shortly.

10 CHAIRMAN EDGAR: Okay. All right. Thank you

11 very much.

12 MS. BRUBAKER: Sorry for the confusion.

13 CHAIRMAN EDGAR: That's okay. Mr. Lupiani.

14 Thereupon,

15 BRIAN LUPIANI

16 was called as a witness and, having been first duly

17 sworn, testified as follows:

18 DIRECT STATEMENT

19 MR. LUPIANI: Thank you, Madam Chair and

20 Commissioners. My name is Brian Lupiani. I'm a

21 resident of the City of Tallahassee and an electric

22 customer, owner, whatever you want to call it.

23 In response to a few things that were said

24 earlier, with all due respect to the other gentleman

25 here, I'm wearing a suit, but I'm here on my own time.

230

1 Although you all are paying for it, as a public

2 employee, I haven't used up all my annual leave yet, so

3 at least I'm getting paid to be here in one sense of the

4 word.

5 I also would like to just quickly respond to

6 or echo Mr. Lloyd's response to Mr. Williams'

7 characterization of the referendum back in October.

8 Actually, no, it was March. How time flies. Anyway, I

9 just want to agree with Mr. Lloyd that I think

10 Mr. Williams was sort of reading into that election what

11 he wanted to. It was really more of the public saying

12 that they trusted the City Commission to work on it, or

13 to make the decision. They weren't necessarily saying

14 that they wanted to have a coal plant.

15 And I do want to commend the City of

16 Tallahassee for the measures it has taken over the last

17 year and a half, in great part in response to the

18 efforts of the Big Bend Climate Action Team, which I'm

19 not a member of, so I'm not tooting my own horn. But

20 they've done some things that hopefully will mitigate

21 any increase in need over the next few decades by

22 repowering the Purdom unit and going ahead with biomass

23 and seeing how that works out, and especially for their

24 fairly aggressive, what I hope will be a fairly

25 aggressive demand-side management program.

231

1 I would like to put in a plug for something,

2 as a matter of fact, for any of you all that live here

3 and are City of Tallahassee customers. I took advantage

4 of one of the measures -- well, a number of them over

5 the years, but one that they've already had in place,

6 but people don't know about. They have a low-interest

7 loan. And actually, at the time I did it, it wasn't

8 much lower than the available rate, but the convenience

9 of paying it back through the city utility payments was

10 one of the things that attracted me to it.

11 But we got a low-interest loan of -- I think

12 it was 5,000 bucks to switch out our air conditioning

13 system. We had very old central heat and air. We've

14 always had gas heat, which worked terrific. But we

15 changed out the air conditioner, and at the same time,

16 we added a room of about 300 square feet, and our

17 electric consumption actually dropped to the point where

18 we're paying about the same as we were before, including

19 over 100 bucks a month to repay the loan. And actually,

20 Commissioner Lightsey had mentioned this program in one

21 of the City Commissioner hearings, that she had done the

22 same sort of thing and reduced her electric consumption

23 by -- I believe she said 30 percent.

24 So that's the sort of thing that, you know,

25 you want to have -- if you want to cut your utility

232

1 bills, that's the way to do it. That's really the only

2 way to do it, is to conserve and be more efficient in

3 your use.

4 I hope the other utilities would also do what

5 they can. I haven't really looked at it. I don't know

6 if the gentleman is still here from the municipal power

7 group. I haven't looked closely into it to know what

8 effort those folks are making, but I hope all three of

9 the other partners are going to make similar aggressive

10 measures. And if they're not, if they're not doing

11 everything they can, then I don't think there is a need

12 for this plant.

13 I would also like to echo the -- put in my two

14 cents worth to agree with the comments that have been

15 made about environmental and health aspects and

16 externalities. And I know the applicants have a

17 standing objection to that, and I understand that

18 technically that is not actually part of the scope of

19 this hearing, but I think it is in a roundabout way that

20 I'll try and get to briefly.

21 I'm concerned as a Tallahassee utility owner

22 and customer that the Taylor Energy Center really is not

23 the most cost-effective alternative for Tallahassee, and

24 possibly for the others, but especially for Tallahassee.

25 In fact, the City had a series of public hearings and

233

1 kind of workshops. I don't remember exactly what they

2 called them.

3 But even as late as December 6th, I believe,

4 the last time that the City Commission took a vote on

5 this and proceeded to go forward with it, the staff

6 agenda item pointed out that -- one of the things

7 they've been saying all along is that TEC is the most

8 cost-effective coal option. But if you looked at the --

9 and I'm sorry. I don't have it with me. I don't have

10 it to submit. But the posters and that sort of thing

11 that they had at these public meetings showed that the

12 option they also considered, which went by the name of

13 "all gas," which was -- all four of their options were

14 similar except the final step. And in the case of all

15 gas, it was, I believe, a 150-megawatt conventional

16 combustion turbine gas-fired unit to come online in 2016

17 as opposed to going in now with the Taylor Energy

18 Center. And that all-gas option was actually a little

19 bit cheaper, when all is said and done, than doing the

20 TEC route.

21 And it mentioned in the agenda item that -- I

22 don't remember the exact wording, but basically that any

23 little fluctuation in the price of gas, and I would also

24 add the price of coal, could tilt it one way or the

25 other. They were pretty much interchangeable, and it

234

1 was an order of magnitude in the price of gas that might

2 occur over the course of a day or two in normal trading.

3 So it was really sort of a wash.

4 And it seemed to me that what they were doing

5 was gambling, or what the City is trying to do is, it's

6 gambling that the coal option will remain cheaper and

7 there won't be any -- there basically won't be any

8 fluctuation in the price of gas or coal, including all

9 these things that have been brought up about the

10 externalities. And I realize that you can't really take

11 those into account now, but I think, as has been

12 demonstrated today, there's certainly a very strong

13 probability of some sort of carbon tax going in, and

14 that would really skew this.

15 And frankly, I'm very concerned that the City

16 is making a billion-dollar gamble that this is going to

17 work out okay, and it's all at the altar of

18 diversification. And there's nothing wrong with

19 diversification, and I realize that's a goal, and in

20 fact, it's a part of the mandate. But they want to

21 diversify from the cleanest fossil fuel to the dirtiest

22 fossil fuel with the most potential for all sorts of

23 things to go wrong and for all sorts of added costs to

24 come in, from these new railroad lines we've heard about

25 to carbon tax or the cost of carbon sequestration, if

235

1 again that's even possible. We've heard testimony here

2 today that it may not even be possible at this location,

3 if that's something that's an option that's available,

4 it may not be available to the Taylor Energy Center, to

5 have the possibility of increased liability for health

6 costs and that sort of thing, lawsuits.

7 You know, as a city utility customer, I am --

8 I do have some concern that we would stay based entirely

9 on gas, and I realize there are some -- you know, that

10 that's not the be-all and end-all. And I also know that

11 these utilities are reluctant to look at some of the

12 advancing technologies. But to tie into something for

13 generations to come and basically just run into it with

14 our eyes squeezed tight and our fingers crossed hoping

15 that it works out along the most optimistic projections

16 they can come up with is not the way I think our City

17 should proceed.

18 One of the other things that Mr. Williams had

19 said was, he talked about maintaining our quality of

20 life or our standard of living, or whatever the phrase

21 was he used. And I would agree with that, and of

22 course, we all want to be able to have electricity. But

23 if this thing goes sour, we're going to wind up a decade

24 or two down the road with a City Commission that's

25 mortgaged to the hilt for this 20 percent of somebody

236

1 else's power plant.

2 Let's just say it becomes a white elephant.

3 What is the City going to do? They're not going to be

4 able to sell their share to anybody. If there's a huge

5 cost incurred because of the carbon tax or something

6 along those lines, they're either going to have to raise

7 the rates again or, speaking of that quality of life,

8 they're going to have to start cutting back the

9 transfers to other services, or raise taxes, or start

10 cutting back on the services themselves. And, you know,

11 that's not something I want to leave for my kids and

12 possible grandchildren.

13 You know, we just really -- I don't think this

14 is the most cost-effective option, and I don't think

15 it's needed for the City of Tallahassee.

16 And one last thing I want to say to the

17 friends and folks I've met and come to know from Taylor

18 and other counties. You know, I'm very sorry that we

19 may be doing this to you. I think another thing to

20 point out that this may not really be based on need is

21 that one of the three remaining Commissioners that's in

22 favor of the Taylor center as an option, when he signed

23 on to it, he didn't talk about the need for more power.

24 What he said was, "I want to be part of this, because I

25 think it's going to be built, and I want to get it as

237

1 far away from Tallahassee as possible." And I didn't

2 happen to vote for that gentleman, but I've never been

3 more embarrassed to be represented by somebody than when

4 he said that.

5 You know, you can say that health environment

6 is not part of the scope, but I think part of that is

7 driving this. We all know what this plant means, and a

8 lot of folks in Tallahassee don't want it in our back

9 yard, even though we're going to make use of it.

10 And the gentleman from Perry that was with the

11 Economic Development Commission, I know he might not

12 have been -- he didn't actually come right out and say

13 this, but if he wants power for his wife's breathing

14 machines or whatever, this isn't going to make any

15 difference with that. He's not going to get a watt out

16 of this thing. And if he thinks he is, then he's very

17 uninformed, and if he knows he's not, he shouldn't be

18 representing it that way.

19 But at any rate, I guess that's enough. Thank

20 you very much for staying all this time, everybody.

21 CHAIRMAN EDGAR: Thank you, Mr. Lupiani.

22 MS. BRUBAKER: Joy Towles Ezell, please.

23 Thereupon,

24 JOY TOWLES EZELL

25 was called as a witness and, having been first duly

238

1 sworn, testified as follows:

2 DIRECT STATEMENT

3 MS. EZELL: Hello.

4 CHAIRMAN EDGAR: Hello.

5 MS. EZELL: Thank you very much for letting us

6 come and speak to you today. I want to say first that

7 you are treating us with way much more respect than we

8 usually get at our County Commission meetings in Taylor

9 County. You're very patient with us, and we really

10 appreciate it, and we appreciate you giving us the time

11 to come and share our concerns with you.

12 I'm so proud of my friends from Taylor County.

13 Aren't they wonderful?

14 COMMISSIONER CARTER: You're right.

15 MS. EZELL: They care about our county, and

16 they care about the families there, and it shows. You

17 can tell it by the way they speak from the heart. They

18 impress me again and again with their honesty and their

19 deep feelings.

20 I'm Joy Towles Ezell, 12677 Josh Ezell Road,

21 Perry, Florida. And, no, that's not a mistake. I live

22 on a road that was named after my husband and his

23 grandfather in Perry, Florida. I'm a Taylor County

24 resident. I'm a fifth generation Taylor County native.

25 And I'm very concerned about many, many factors

239

1 concerning this Taylor Energy Center.

2 I would like to clear up a couple of things

3 that may have confused y'all as people talked. For many

4 years, I've tried to get the Fenholloway River cleaned

5 up from the pollution from the Buckeye pulp mill.

6 Imagine my dismay when I heard that another polluter

7 wanted to locate right next to our very bad polluter

8 already.

9 And when I realized it was a coal-burning

10 plant, I thought, well, you know, the fish in the

11 Fenholloway, what few that are left, which are bowfin or

12 mudfish, which are really not suitable to eat, are

13 already contaminated with mercury, so much so that they

14 have a warning on them already. You should not eat any

15 fish from the Fenholloway due to the mercury already

16 from the pulp mill. Whenever you have a mill that uses

17 chlorine or chlorine dioxide, then automatically you

18 have a lot of mercury because of the discharges from the

19 mill. Any place where you use chlorine, you usually

20 have a lot of mercury.

21 The other fish that are in the Fenholloway,

22 there's a little tiny mosquito fish, and the scientists

23 have found that the female mosquito fish are changing

24 gender. They're taking on male sexual characteristics.

25 If that's not a canary in the coal mine, I don't know

240

1 what is. We need to be paying attention to these kind

2 of things.

3 One of the main chemicals that comes out,

4 toxins that comes out of the mill is dioxin, the same

5 chemical, 2,3,7,8-TCDD, that is in Agent Orange. Our

6 county is very, very polluted.

7 I can't possibly be as eloquent in telling you

8 about the pollution as my friend, Gail Deckert, was. I

9 think she told it. She didn't tell you, however, about

10 the wells. The wells two miles north and two miles

11 south of the river are already polluted by Buckeye's

12 effluent.

13 In Taylor County, we have an unconfined

14 aquifer. We have pretty much a layer of dirt, a layer

15 of rock, and underneath this is water. Where I live,

16 there's an unconfined aquifer underneath our home. So

17 that makes our county very, very subject to sinkholes.

18 As a matter of fact, the area around the mill is very

19 subject to sinkholes. The mill knows this very well.

20 The U.S. Geological Survey knows this very well.

21 In the earlier '70s when the mill was digging

22 their settlement ponds, which are supposed to be

23 treatment ponds, they were delayed an extra two years in

24 finishing those ponds because they kept developing

25 sinkholes. They had to blast and fill an extra two

241

1 years to even build those sinkholes (sic). And the

2 Taylor Energy Center is being planned just east of the

3 mill, and that area is also subject to sinkholes.

4 So it's in the wrong place. We've tried to

5 tell JEA that. At one of our very first meetings, I

6 spoke with them about the sinkholes and told them about

7 my concerns about that, but thus far they've not paid

8 any attention to that.

9 The gentleman who was on the end here,

10 Mr. Littlefield, from Pascagoula, Mississippi, would be

11 interested to known that in Pascagoula, Mobile, and

12 Palatka, there are known ALS clusters, Lou Gehrig's

13 disease. They've been identified in paper mill towns.

14 We've had quite a few friends who have died. I had one

15 just recently, Lewis Turner, who died with ALS not long

16 ago. So we know that there's probably an ALS cluster in

17 Perry. However, nobody has done a health study for

18 Perry.

19 It's interesting to know that a few years ago,

20 the cancer statistics came out in the Tallahassee paper

21 saying that Leon County had the highest cancer rate in

22 the state, and I pointed out to people, well, that's

23 easy to understand. People from Perry, where there's a

24 paper mill, go to Tallahassee to the hospital to die.

25 People from Port St. Joe, where there was a paper mill

242

1 back then, would come to Tallahassee to die. People

2 from Clyattville, Georgia, where there is a paper mill,

3 just north of Madison, would come to Tallahassee to die

4 in the hospital.

5 And it's interesting. What I found out along

6 the way is that the Bureau of Vital Statistics takes

7 where you die for the cancer statistics rather than

8 where you live. So I suggested to them that maybe they

9 should put another check mark, a little box on there to

10 check that you live in this county, even though you

11 might have died someplace else, because that makes the

12 cancer statistics wrong, statewide and everywhere. So

13 that's one thing I would like to get straightened out in

14 my lifetime.

15 It's interesting to know that the Taylor

16 Energy Center contract is with our County Commissioners,

17 and the contract they're writing up is for 30 years.

18 Tallahassee's part of it, from what I read, appears to

19 be 20 years. However, the coal plant is planned to last

20 from 50 to 60 years. The power consortium has agreed to

21 give Taylor County $179 million, and that works to be

22 about 4.75 million per year. I'm wondering who pays the

23 hospital bills the second 30 years. Is the Public

24 Service Commission going to -- in 30 years going to pay

25 our hospital bills if those contracts are over with and

243

1 the power plant is still working, who knows being

2 operated by who by then? So that's one of my concerns.

3 The utility partners involved in the Taylor

4 Energy Center, which I also call every now and then the

5 Taylor Emphysema Center, the City of Tallahassee, Reedy

6 Creek Improvement District, which is Disney World, and

7 the FMPA, and the Jacksonville Electric Authority, don't

8 need the power to be generated by this bad plant,

9 because they've not all instituted as many adequate

10 energy saving measures as they possibly could.

11 The last few days, I've been reading about

12 smart meters. Have you heard about smart meters? Okay.

13 They're not being used in Florida yet.

14 Many experts say that cutting demand might be

15 faster and a more effective way to bolster the power

16 grid than building new power plants. It also represents

17 a seismic change in thinking for utilities, which have

18 historically seen their profits linked to how much

19 electricity they sell. So it costs less to not use

20 electricity than it does to construct new generation,

21 said Ray Dodder. And that's all in your handout that I

22 gave you there.

23 Smart meters encourage customers to reduce

24 demand when energy is needed the most. Currently, too

25 few residential households have enrolled in the

244

1 time-of-use programs to have a major impact on the power

2 grid, but with residential rates soaring, utility

3 officials say they believe more homeowners will be

4 willing to sign up for such programs. Time-of-use rates

5 should be the norm rather than the exception.

6 We would love to have that in Taylor county.

7 My power comes from Tri-County Electric from Seminole

8 Power, and we would love to have such a program. We

9 would also love to have a solar program where we could

10 have solar water heaters, and we're encouraging

11 Tri-County Electric and Seminole Electric to institute

12 those kind of programs. None of the utilities involved

13 in the TEC, as far as I've been able to determine, have

14 instituted the necessary needed energy saving measures.

15 How ironic is it that JEA has a solar program

16 in Jacksonville, but yet they want to come over to poor

17 little rural Taylor County and put a polluting

18 coal-fired power plant, and we don't even get the power?

19 What do we get from JEA? Just emphysema and asthma, I

20 think.

21 Tallahassee has had experts in energy

22 conservation and efficiency programs analyze

23 Tallahassee's system. These experts in the field have

24 no interest in this proceeding before this Commission,

25 and their analysis was an objective one. They advised

245

1 the City that they could conserve more than

2 160 megawatts of power if they implement demand-side

3 management that results in energy efficiencies and

4 conservation.

5 The City has approved implementation of these

6 programs already and is looking, I understand, at the

7 smart meters. I understand that JEA is also looking at

8 the smart meters. I think that maybe the Public Service

9 Commission should insist that all these utilities start

10 using smart meters. It would help us all.

11 Mr. Brinkworth, the City's witness in this

12 proceeding, told the City Commission that it could sell

13 the power from the Taylor County plant to third parties

14 if the City does not need the power and if the plant is

15 built. That confirms to me that the City does not need

16 the power, that they're just thinking, well, maybe we

17 can sell it, you know.

18 Tallahassee city utility customers will be

19 exposed to huge risk if this Commission approves the

20 plant's construction and the City remains a partner and

21 thus becomes obligated to purchase 20 percent of the

22 plant's output. I hope that you will protect

23 Tallahassee residents from the proposed imprudent

24 investment of 500 million or more which would be

25 required to secure power for the City from the Taylor

246

1 Emphysema Center. It's unreasonable and risky for the

2 City to make huge investments requiring relying upon a

3 very speculative belief that the City could find buyers

4 for such electricity when the City does not need the

5 power, but will be obligated to pay for it.

6 The Florida Department of Environmental

7 Protection, which I know very well, has advised the

8 Governor to implement a carbon emissions tax in Florida

9 within three years if the Federal Government does not

10 implement one. Regardless of what the Taylor Emphysema

11 Center's attorneys say on this matter, the cost of a

12 carbon tax was not considered when proposing this coal

13 burner. Nobody is capable of saying today that the

14 proposed Taylor County plant will be cost-effective when

15 the carbon tax is implemented.

16 It's not fair, in my opinion, for large

17 utility companies to decide to build a coal-fired power

18 plant in a community far away from where the companies

19 plan to use the power generated. They get the power,

20 and we get the pollution. Please protect all of us and

21 deny the request to build this plant. Every place else

22 in the world, people are becoming more and more aware

23 and concerned about global warning. We had all better

24 take heed here in Florida and in Taylor County.

25 On the back of your handout there, you'll find

247

1 a letter that I wrote to the U.S. Department of Energy

2 asking if any of the energy partners had had any

3 correspondence between Taylor County or any of the

4 municipal power companies had asked for any information

5 or if they had written to the DOE about funding for

6 IGCC, and you'll see their letters back.

7 And you'll also see a letter there from the

8 Taylor Energy Center to the County Commissioners in

9 Taylor County where they had passed a resolution saying

10 that if a coal-fired power plant is built in Taylor

11 County, that they were requesting that JEA consider

12 IGCC. There's a letter there from the Taylor Energy

13 Center about that, saying that they had been to a couple

14 of meetings, and they had all these excuses why they

15 couldn't get funding for IGCC, and it looks like they

16 saw Senator Robert Byrd at a hearing in Washington,

17 D.C., and they say that they have found no likely

18 sources of significant funding for IGCC, but the DOE has

19 no documentation of them asking for it. And that's all

20 in these letters.

21 CHAIRMAN EDGAR: Thank you, Ms. Ezell.

22 MS. EZELL: Thank you.

23 CHAIRMAN EDGAR: And we have three documents

24 that you have provided to us. I have them in three

25 pieces anyway, and we will put them together. And,

248

1 Ms. Brubaker, I'm at 102.

2 MS. BRUBAKER: That's correct. Thank you.

3 (Exhibit Number 102 was marked for

4 identification.)

5 CHAIRMAN EDGAR: All right. Thank you,

6 Ms. Ezell.

7 MS. EZELL: Thank you again for your kindness

8 and consideration.

9 CHAIRMAN EDGAR: You're welcome.

10 MS. BRUBAKER: The next speaker is Holly Binns

11 or Bines, to be followed by Haley Proctor.

12 Thereupon,

13 HOLLY BINNS

14 was called as a witness and, having been first duly

15 sworn, testified as follows:

16 DIRECT STATEMENT

17 MS. BINNS: Good afternoon, or should I say

18 almost evening, Madam Chairwoman and Commissioners.

19 Thank you for the opportunity to be here today and so

20 much for your patience in hearing everyone out. I think

21 it's pretty clear that there are a lot of concerns with

22 this proposal.

23 My name is Holly Binns, and I have headed up

24 the clean air and energy programs for Environment

25 Florida, which is a nonprofit organization based in

249

1 Tallahassee which dues-paying citizen members all around

2 the state, but several thousand of which are based in

3 Tallahassee and are City of Tallahassee ratepayers. So

4 I'm here on behalf of our citizen members, but also as a

5 City of Tallahassee ratepayer myself. And I would urge

6 you very strongly to move with caution as you determine

7 whether or not this is a power plant that we actually

8 need.

9 You know, I've heard some advice before that

10 the best public speakers follow the rule of the three

11 B's, be brief, be bright, be gone, so it's late in the

12 day, and I'll try to do that.

13 Much of my comments and the information I

14 wanted to share with you echo a lot of what Mr. George

15 Cavros shared with you earlier today. There are a

16 number of utilities and states that are integrating into

17 their utility planning the consideration for what is the

18 additional cost to ratepayers if and when carbon dioxide

19 emissions are capped. Certainly, there is more momentum

20 now to regulate carbon dioxide from the utility sector

21 and other sectors than there has been in any time I can

22 remember. You know, it was barely a whisper four or

23 five years ago, and now it seems to be building to a

24 crescendo. And it's hard to imagine that in the 30 or

25 so year life span of these power plants that we're not

250

1 going to be living in a carbon-constrained world, and

2 that clearly has a cost. And the way we've set up our

3 utility system in Florida, those costs will get passed

4 directly to the ratepayers and to the consumers.

5 I know that there was some sensitivity

6 analysis done in this proposal in terms of carbon costs,

7 and you're going to hear a little bit more about that

8 tomorrow from the expert witnesses, but I would warn you

9 to look at those numbers very closely, because I think

10 those numbers, you'll find the numbers they used were

11 awfully low when you compare them to the numbers used by

12 other entities, like, say, the Energy Information

13 Administration, or average prices in the carbon market

14 in the European Union and elsewhere. So I think that as

15 we're looking at this issue, we need to be really

16 careful that we're using the right numbers that give us

17 a realistic estimate of what those potential costs could

18 be.

19 Another thing that I wanted to just bring to

20 your attention is that there is an excellent study that

21 will be released in the next several weeks, I believe,

22 done by the American Council for an Energy Efficient

23 Economy and the Florida Solar Energy Center that looks

24 at the potential for meeting Florida's growing energy

25 needs with renewable energy, energy efficiency, and

251

1 energy conservation programs. It's being peer-reviewed

2 by experts in the energy industry and by economists here

3 in Florida.

4 I think it's something that you would be very

5 interested to hear, and I would urge you to perhaps wait

6 until you have an opportunity to look at the results of

7 this report before we decide that this is truly a power

8 plant that we need here in Florida, if this is the right

9 plant at the right place at the right time, or perhaps

10 energy efficiency and conservation would be the cheaper

11 and the faster way to meet the energy needs of the City

12 of Tallahassee, Jacksonville Electric Authority, Reedy

13 Creek, and the Florida Municipal Power Agency, and some

14 of the other utilities that I know will be here in the

15 coming months with similar proposals to build coal-fired

16 power plants.

17 So I'll wrap it up right there. I think

18 you've heard a lot from a lot of folks, and I don't want

19 to repeat anything you've already heard. But thank you

20 very much for this opportunity and for your patience

21 today in taking the time to hear everyone. We really

22 appreciate it.

23 CHAIRMAN EDGAR: Thank you, Ms. Binns. And

24 before you step away, tell me again -- I apologize for

25 having to ask this, but again, the report that you just

252

1 mentioned, and who and when it will be issued, by whom

2 and when.

3 MS. BINNS: Sure. The authors are the

4 American Council for an Energy Efficient Economy.

5 They're nationally recognized experts on energy

6 efficiency and energy conservation issues. And the

7 Florida Solar Energy Center has been helping them with

8 this report. And I know that there are a number of

9 experts in the energy and economics field here in

10 Florida that have looked at that report. I don't know

11 what the exact release date is, but the last I spoke to

12 them, sometime in early February is what they're looking

13 at. So it seems like it would be prudent to wait to see

14 what that says before we make a decision on whether to

15 build a -- whether we need a new power plant that's

16 going to be here for decades.

17 CHAIRMAN EDGAR: Thank you.

18 MS. BINNS: Thank you so much.

19 CHAIRMAN EDGAR: Thank you. Ms. Brubaker.

20 MS. BRUBAKER: Haley Proctor.

21 Thereupon,

22 HALEY PROCTOR

23 was called as a witness and, having been first duly

24 sworn, testified as follows:

25 DIRECT STATEMENT

253

1 MS. PROCTOR: Thank you very much for having

2 me here today. My name is Haley Proctor, and I am on

3 behalf of the University of Central Florida, which is in

4 Orange County, which will be one of the people who will

5 be receiving the energy.

6 Without being redundant, I cannot stress

7 enough the environmental degradation and health risks

8 that this plant will create. If we do not recognize

9 that the earth and the environment, its people and coal

10 and the actual plant -- the actual coal plant itself are

11 finite, we are sealing the fate of our society we've

12 been building for centuries and the planet that has been

13 around for billions of years to an early grave.

14 With the legislation being passed that has

15 been mentioned earlier on in the day to cap the CO2

16 emissions, it leads me to suspect that not only will

17 this plant be conceived prematurely, but will also being

18 constructed hastily. As the plant's website states,

19 between 2002 and 2020, the Florida population will

20 increase 50 percent. The site also said that the plant

21 will not be built until 2019. I came here today to hear

22 some of the speakers, and the date was changed to 2012,

23 which furthers my conjectures that the pressure to beat

24 the legislation is a possible cause and the possibility

25 that haste would be involved.

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1 With the statewide population increasing as

2 the main reason for the plant, according to the site, it

3 seems unjust that the only -- it seems unjust to only

4 supply certain counties based on the corporations if

5 it's a statewide fact.

6 As a senator at UCF, we have a bill this

7 semester for corporate divestment towards companies with

8 malicious results such as this coal plant. Obviously,

9 if and when this bill passes, that is over 40,000 Orange

10 County residents who will not want to be associated with

11 this.

12 Also, I want to ask the Chair if I have

13 permission to address a couple of questions if anyone is

14 able to answer them for me?

15 CHAIRMAN EDGAR: Generally we ask you the

16 questions.

17 MS. PROCTOR: Okay. Well, my main concern was

18 that I couldn't find anywhere on the site where the coal

19 would be coming from and the means of retrieving it,

20 whether it would be mountaintop removal or drilling it,

21 and the safety to ensure that the coal does not get -- I

22 know it said it will be sent by trains, but the safety,

23 that there will be no train accidents, and what will be

24 the possible causes of it, and how will they do that,

25 and also the safety and surety of the people working at

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1 the plant, and if the company has done research into

2 alternative uses and means to -- outreach to lower the

3 energy use, and as also Joy addressed, what will happen

4 after the 30 years of funding is over, who will be

5 taking over for the funds.

6 CHAIRMAN EDGAR: Ms. Proctor, I appreciate you

7 asking the questions and putting them on the record. I

8 also know that there are representatives from the

9 applicant here who I'm sure would get glad, either today

10 or at a future time, to share some additional

11 information on all of those points with you, as would

12 our staff. We have staff here who can address some of

13 those questions in more detail.

14 Commissioners, do you have any questions for

15 Ms. Proctor? Seeing none, thank you very much.

16 MS. PROCTOR: Thank you. I also have one more

17 thing to add.

18 CHAIRMAN EDGAR: Okay.

19 MS. PROCTOR: I found this poster here that

20 you guys were endorsing about clean energy. In all

21 these cards, coal is not on these cards. But also,

22 notice that there's five aces, and there should only be

23 four. So please don't cheat us out of our life.

24 Thank you.

25 CHAIRMAN EDGAR: Thank you. Ms. Brubaker.

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1 MS. BRUBAKER: I would like to try Mr. Carl

2 Ferguson again. He was not present when I called

3 earlier. If he is not in attendance, then that actually

4 concludes at all persons we had signed up previously to

5 speak.

6 CHAIRMAN EDGAR: Okay. Is there anybody in

7 the room or that you're aware of in the hall that would

8 like to speak to the Commission today on this matter

9 that has not yet been given an opportunity?

10 Okay. Seeing none, then were almost done for

11 today, I think. Ms. Brubaker, any procedural matters

12 that we need to address?

13 MS. BRUBAKER: One procedural matter that

14 immediately leaps to mind is one you actually touched on

15 earlier, that we have a number of items that have been

16 identified throughout the customer testimony portion.

17 And it's my understanding the parties would like the

18 opportunity to review those items prior to getting the

19 point where we would possibly move them into the record.

20 And so I think the suggestion was to take the actual

21 moving into the record tomorrow morning to give the

22 parties an opportunity to look at the documents.

23 We're happy to -- I'll be -- I won't speak for

24 everybody else. I'll be happy to stay this evening to

25 accommodate review of the documents, and we can

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1 certainly also do so in the morning.

2 With that, that's the only matter I'm aware of

3 at this time that would need to be addressed.

4 CHAIRMAN EDGAR: Thank you. So again, just to

5 wrap up, the items that have been given to us through

6 the public testimony process I have as items that we

7 have marked 82 through 102, 82 through 102. And as

8 Ms. Brubaker said, we will -- if you will work with our

9 staff, and we will take those up when we reconvene in

10 the morning and begin with that. And then we also I

11 believe have some pending motions that we will need to

12 address in the morning, and then we will move to hearing

13 from the witnesses.

14 First off, let me say I appreciate everybody's

15 patience, everyone's. I think it has been a very useful

16 today. It has been very useful to me, and I'm sure to

17 my colleagues as well.

18 Tomorrow we will need to be tighter with our

19 time so that we can move through all of the testimony

20 that we need to hear and hear from the witnesses. So I

21 would ask all of you to work with me to keep your

22 witnesses, to the best of your ability, and your

23 questioning focused on the issues before us so we can

24 move through everything that we need to, and we will

25 work through that together.

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1 Okay. Again, thank you to everybody. We are

2 adjourned for the day. We will reconvene at 9:30

3 tomorrow morning.

4 MS. BRUBAKER: Madam Chairman -- I'm sorry.

5 CHAIRMAN EDGAR: Ms. Brubaker.

6 MS. BRUBAKER: You just answered my question,

7 what time we're going to reconvene.

8 CHAIRMAN EDGAR: 9:30 tomorrow morning.

9 MS. BRUBAKER: Thank you.

10 CHAIRMAN EDGAR: Thank you.

11 (Proceedings recessed at 5:38 p.m.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA:

4 COUNTY OF LEON:

5 I, MARY ALLEN NEEL, Registered Professional

6 Reporter, do hereby certify that the foregoing

7 proceedings were taken before me at the time and place

8 therein designated; that my shorthand notes were

9 thereafter translated under my supervision; and the

10 foregoing pages numbered 205 through 258 are a true and

11 correct record of the aforesaid proceedings.

12 I FURTHER CERTIFY that I am not a relative,

13 employee, attorney or counsel of any of the parties, nor

14 relative or employee of such attorney or counsel, or

15 financially interested in the foregoing action.

16 DATED THIS 11th day of January, 2007.

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