

Ann Cole

080203-EI

**From:** Ann Cole  
**Sent:** Friday, September 03, 2010 11:29 AM  
**To:** Bill McNulty  
**Cc:** Cristina Slaton; Commissioners Advisors; Administrative Assistants - Commission Suite  
**Subject:** RE: To Docket No. 100001-EI, 100002-EG, 100007-EI, 100009-EI, 080677-EI, 090130-EI, 100077-EI, 100155-EG, 080203-EI, 080245-EI, 080246-EI, 090494-EI, 060038-EI.

Thank you for this information, which will be placed in Docket Correspondence - Parties and Interested Persons, in Docket Nos. 100001-EI, 100002-EG, 100007-EI, 100009-EI, 080677-EI, 090130-EI, 100077-EI, 100155-EG, 080203-EI, 080245-EI, 080246-EI, 090494-EI, 060038-EI.

-----Original Message-----

**From:** Bill McNulty  
**Sent:** Friday, September 03, 2010 11:14 AM  
**To:** Ann Cole  
**Cc:** Cristina Slaton

**Subject:** To Docket No. 100001-EI, 100002-EG, 100007-EI, 100009-EI, 080677-EI, 090130-EI, 100077-EI, 100155-EG, 080203-EI, 080245-EI, 080246-EI, 090494-EI, 060038-EI.

<b>FPSC, CLK - CORRESPONDENCE</b>		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
<b>DOCUMENT NO. 04024-08</b>		
<b>DISTRIBUTION:</b> _____		

Ann,

I received a phone call at approximately 1:45 PM yesterday (Thursday, September 2, 2010), from Attorney Ken Hoffman of FPL. Mr. Hoffman informed me that the information to be conveyed in his call was procedural in nature. He stated that FPL had, earlier that day, made filings in all dockets in which FPL was a party and to which Commissioner Skop was assigned requesting Commissioner Skop's disqualification from further participation in all such dockets. Please place this e-mail in the correspondence side of each of the respective dockets.

Thank You,  
Bill McNulty  
Chief Advisor to Commissioner Skop

**Kimberley Pena**

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 04024-08		
DISTRIBUTION:		

080203

**From:** PBC EnviroCoalition [pbcenvirocoalition@gmail.com]  
**Sent:** Tuesday, September 09, 2008 6:10 PM  
**To:** Jennifer Brubaker  
**Cc:** Martha Brown; Kimberley Pena; Sawaya-Crane, Diana; charlie.crist@myflorida.com; FLORIDA ENERGY COMMISSION; Peter G. Merritt; Barry Silver; David Reiner; ljacobs50@comcast.net; Patel, Julie; King, Bob (CNI-Palm Beach); christine\_stapleton@pbpost.com; Rhonda Roff; Alliance4CleanFl@aol.com; fossilfuelogue@yahoo.com; fplsucks@bellsouth.net  
**Subject:** Re: Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1

Hello,  
 To all of whom it most certainly concerns,

Below are communications regarding a request for intervention in an FPL consolidated docket proposing to introduce over 3500 Megawatts of fossil fuel into Florida's grid. This is roughly 12 million tons of CO2 and 5 billion gallons of clean water consumed and polluted, resulting in an incredible financial cost to both ratepayers and taxpayers that was ignored by the Sept 4 2008 PSC proceedings.

The last communication we received regarding our intervention was from FPL, explaining why they did not want our input included with an intervenors' status, which focused on technicalities, not substance of content. I did not receive communication from the PSC regarding a final decision to reject our intervention.

As i was preparing to attend last month's proceedings (which were postponed), i was informed that my status as intervenor was not granted by the PSC. Luckily i had not driven all the way to Tallahassee from Palm Beach County to find this out. No communication was received explaining the position of PSC legal counsel. I was told by PSC attorney Martha Brown over the phone that this would be explained in a formal communication via postal mail. None has been received to date.

The PSC had the opportunity to either address the concerns presented by myself and the organization i represent, Palm Beach County Environmental Coalition, or to invite us in as intervenors to address these concerns in quasi-judicial proceedings. We did not inflate absurd concerns. Primarily, we presented the recent position of the Treasure Coast Regional Planning Council (TCRPC), which alleges significant inconsistencies that will have serious economic implications for the State of Florida. Unfortunately for those of us who live in Florida and pay the salary of Regional Planning Council staff, the TCRPC was unwilling to intervene and represent itself.

While several procedural matters regarding the intervention were brought to my attention (as mentioned below), they were addressed in an amended version of our Pre-Hearing Statement. An electronic signature was added and an immediate FPL ratepayer who is a participant with PBCEC was added (although we still contend that ratepayers in a Municipal power company that is impacted by regional decisions, such as myself, has standing and that an organization with a history of public involvement in legal proceedings, such as PBCEC, can be recognized as a legitimate entity).

I would prefer to have this issue addressed without an additional legal proceedings (one third of this consolidated docket is already facing multiple State and Federal legal challenges initiated by our volunteer-driven organization), as we believe the State has the clear authority to amend an oversight such as this. The Public Service Commission is tasked with representing the public interest regarding utilities; one would like to think perhaps even defending the public from utility company interests. The Governor and Cabinet are tasked with ensuring that these agencies act in accordance to the public interest.

Please inform me as soon as possible if this will be pursued. Please also inform me of the process for appealing the decision of the PSC regarding this docket, and our alleged denial as intervenors (which has still not been

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confirmed), in the unfortunate circumstance that we will have to follow up on this on our own.

Thank you,  
Panagioti Tsolkas  
co-chair, PBCEC

On Fri, Jun 6, 2008 at 3:56 PM, Jennifer Brubaker <[JBrubake@psc.state.fl.us](mailto:JBrubake@psc.state.fl.us)> wrote:  
Mr. Tsolkas -

I am in receipt of your e-mail below; it was sent to my employee e-mail account rather than the Commission's address for electronic filings. The Commission accepts documents for filing by electronic transmission provided the proper requirements are met; documents which fail to meet these requirements will not be accepted for electronic filing. Please make sure your document is submitted in accordance with these requirements if you wish it to be considered filed with the Commission. For assistance, please contact the Office of the Commission Clerk at (850) 413-6770; additional information can be found at <http://www.psc.state.fl.us/dockets/e-filings/>.

**As soon as you possibly can, please contact Ms. Martha Brown at (850) 413-6187; she is the Commission attorney assigned to Dockets 080203-E1, 080245-E1, and 080246-E1. As a pending intervenor, there are a number of procedural matters regarding these dockets which need to be brought to your immediate attention.**

Thank you,

Jennifer Brubaker, Attorney Supervisor  
Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL 323999-0850  
Telephone: (850) 413-6228  
Facsimile: (850) 413-6229  
[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

---

**From:** PBC EnviroCoalition [<mailto:pbcenvirocoalition@gmail.com>]  
**Sent:** Friday, June 06, 2008 3:09 PM  
**To:** Jennifer Brubaker; [pbcenvirocoalition@gmail.com](mailto:pbcenvirocoalition@gmail.com)  
**Cc:** [charles.gauthier@dca.state.fl.us](mailto:charles.gauthier@dca.state.fl.us); Halpin, Mike; Charles Beck; [John\\_Butler@fpl.com](mailto:John_Butler@fpl.com); [stephen\\_huntoon@fpl.com](mailto:stephen_huntoon@fpl.com)  
**Subject:** Re: Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1

**BEFORE THE PUBLIC SERVICE COMMISSION**

Re: Florida Power and Light's Consolidated PSC Dockets:

080203-E1 PETITION TO DETERMINE NEED FOR WEST COUNTY ENERGY CENTER UNIT 3 ELECTRICAL POWER PLANT, BY FLORIDA POWER & LIGHT COMPANY;

080245-E1 PETITION FOR DETERMINATION OF NEED FOR CONVERSION OF RIVIERA PLANT IN PALM BEACH COUNTY, BY FLORIDA POWER & LIGHT COMPANY;

080246-E1 PETITION FOR DETERMINATION OF NEED FOR CONVERSION OF CAPE CANAVERAL PLANT IN BREVARD COUNTY BY FLORIDA POWER & LIGHT COMPANY.

9/10/2008

CONSOLIDATION ISSUED: May 27, 2008

Statement of Panagioti Tsolkas, as an individual, and representing the Palm Beach County Environmental Coalition (PBCEC), we request intervenor status on these consolidated dockets. I am a resident of Palm Beach County, Florida, address: 822 North C Street, Lake Worth, FL 33460. I am a ratepayer of a municipal utility which has financial relations with FPL.

The PBCEC is comprised of participants in the greater Palm Beach County region, which is predominated by FPL ratepayers.

We also request the the PSC Needs Determination Hearing be held in the area of the proposed projects, as was done recently in DOCKET NO. 070650-EL, regarding a proposal in the Miami/Dade region.

We are entering proceedings pro-se.

Communication from PSC is requested via both postal and email:

Panagioti Tsolkas

822 North C Street, Lake Worth, FL 33460

[PBCEnviroCoalition@gmail.com](mailto:PBCEnviroCoalition@gmail.com)

## **PRE-HEARING STATEMENT**

### **Basic Position Statement**

The proposed consolidated dockets present over 3,657 megawatts of fossil-fuel generated power. A large variety of efficient resource management as well as power management and generating options are available to the utilities that service the residential, institutional and business energy demands of Florida. In assessing the options for meeting these energy demands we have come to the conclusion that the fossil fuel projects proposed by FPL for West County Energy Center, Riviera Beach and Cape Canaveral does not represent the best choice available to service FPL customers. We contend that when compared to other options and strategies the consolidated proposals poses an extended period of economic risk that is unreasonable and diminishes the economic well being of FPL's Florida customers now and in the future. Therefore, we request that the petition for determination of need these projects be denied, pending more complete assessment of available energy options, updated growth projections and accurate complete environmental costs of burning fossil fuels.

The proposed projects do not meet the needs criteria established by the State of Florida in FS403.519 (4) which require the project contribute to FPL's power system's reliability and integrity, it's fuel diversity, base load generation capacity, and its effort to deliver adequate electricity at a reasonable cost. That it continues to be a viable option after any renewable energy sources and technologies or conservation measures that may be taken or are reasonably available to FPL that might mitigate the need for the proposed generating units has been considered, while also providing the most cost effective source of power.

*It is our belief, based on our research, that he projected cost of this proposal as alleged by FPL does not represent an accurate assessment of the actual costs of the project. Future costs attributed to CO2*

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are not taken into consideration in a tangible and concrete manner and environmental and health cost impacts associated with drilling and extraction are not mentioned. The availability and cost of water need also to be considered.

It is our contention that every dollar of FPL rate payer money proposed to be spent on the proposed fossil fuel power project could be better spent on efficiency, conservation and renewables; financing programs that may include new or expanded DSM programs, leveraging through cost sharing the expansion of net metering / distributive energy programs. The integration of solar thermal and geothermal applications can mitigate peak load. The more efficient use of the existing base load can eliminate the need for new base load capacity. We also see a slowing of growth in Florida that calls into question the proponent's projection for need. New building design criteria is also intended to reduce the need for new generation.

We, the PBCEC, are in agreement with the report from the Treasure Coast Regional Planning Council (TCRPC, or 'Council') regarding the above proposed power projects and their relation to the FPL Ten Year Power Plant Site Plan, 2008-2017. This report was approved and authorized to be transmitted to the Florida Public Service Commission (PSC) on May 16, 2008, at the public Council meeting. This report found FPL to be "inconsistent with Strategic Regional Policy Plan Goal 9.1, Decreased vulnerability of the region to fuel price increases and supply interruptions; and Strategy 9.1.1, Reduce the Region's reliance on fossil fuels." The TCRPC urged FPL and the State of Florida to continue developing new programs "to 1) reduce the reliance on fossil fuels as future energy sources; 2) increase conservation activities to offset the need to construct new power plants; and 3) increase the reliance on renewable energy sources to produce electricity."

### **Statement of Positions and issues**

**ISSUE 1:** Is there a need for the proposed generating units, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, the current and future needs of Floridian's power can be met with greater reliability and integrity with the implementation of efficiency/conservation measures, the graduated increased use of renewable technologies, a generous net metering / distributive energy program.

**ISSUE 2:** Is there a need for the proposed generating units, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, These proposals would push FPL's energy fleet well over 70% dependence on natural gas, which is often not from domestic sources. Distributive generation of thermal and photovoltaic solar, and other sustainable options, are preferred methods of establishing fuel diversity over fossil fuels in the existing energy needs environment.

**ISSUE 3:** Is there a need for the proposed generating units, taking into account the need for base-load generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, there already exists sufficient base-load. Future base-load and current base-load can incrementally be provided and replaced by efficiency and cleaner new renewable applications. Population decline and greater efficiencies allow current existing base-load capacity to satisfy the need.

**ISSUE 4:** Is there a need for the proposed generating units, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, reasonable cost has not been established here. Natural Gas is in a mode of constant cost increase, with no reduction in sight. The cost of total CO2 and other greenhouse gases related to fuel have not been assessed for all projects. Water costs remain a question. We already have adequate electricity. The economic costs of insuring the risks associated with an unforeseen event may be limited to FPL but extend to the overall population in the amount of dollars and need to be considered in the cost/risk assessment and in relationship to the other options.

**ISSUE 5:** Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?

**Position:** Yes. Enormous opportunities for efficiency and conservation, distributive energy and clean technologies exist.

**ISSUE 6:** Will the proposed generating units provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, this project's costs must be compared with an equal amount of analysis to a renewable/efficiency option, especially those which have no fuel, water or carbon costs.

**ISSUE 7:** Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light Company's petition to determine the need for the proposed generating units?

**Position:** No

**ISSUE 8:** Should this docket be closed?

**Position:** Yes, this docket should be closed and FPL's petition denied due to the lack of adequate analysis of all reasonable options; the economic and environmental risks and inability to project accurate costs which in turn stifles the development and investment in efficiency and new clean technologies.

#### Additional Issues

We believe that the reality of greenwashing must be taken into serious consideration when reviewing these consolidated dockets. According to Wikipedia, online encyclopedia, "**Greenwash** (a portmanteau of *green* and *whitewash*) is a term that is used to describe the act of misleading consumers regarding the environmental practices of a company or the environmental benefits of a product or service. The term **Green sheen** has similarly been used to describe organisations which attempt to appear that they are adopting practices beneficial to the environment."

In December 2007, FPL presented a document entitled "Climate Change and FPL's Greenhouse Gas

Strategy" as Appendix 10.8 to which is intended to highlight "the specific actions that FPL is taking now in Florida to address climate change and how the West County Energy Center (WCEC) Unit 3 will be incorporated into FPL's solutions for global climate change." Appendix 10.8 claims that "in fact, the addition of WCEC Unit 3 will contribute to an overall increase in efficiency of FPL's generation portfolio, thereby reducing the expected system-wide carbon dioxide (CO2) emissions," and that the WCEC unit 3 will be a part of providing low and zero emitting electric generation and help to achieve generation diversity in Florida." This appendix also expresses that "FPL believes that greater use of conservation and cost-effective renewable resources is good for America."

While FPL's self-promotion reads, unsurprisingly, like an advertisement for their highly-profitable product. Independent, public interest assessments of their proposals, such as that of the TCRPC, reads quite differently. This public agency's staff report found FPL to be "inconsistent with Strategic Regional Policy Plan Goal 9.1, Decreased vulnerability of the region to fuel price increases and supply interruptions; and Strategy 9.1.1, Reduce the Region's reliance on fossil fuels." The TCRPC urged FPL and the State of Florida to continue developing new programs "to 1) reduce the reliance on fossil fuels as future energy sources; 2) increase conservation activities to offset the need to construct new power plants; and 3) increase the reliance on renewable energy sources to produce electricity."

The Council recommended that "FPL should develop a program to install, own and operate photovoltaic units on the rooftops of private and public buildings... modeled after the Southern California Edison plans" where a utility will plans to install solar energy on more than 100 buildings in the greater Los Angeles area. TCRPC suggests that a "shift to rooftop photovoltaic systems distributed throughout the area of demand could reduce the reliance on large transmission lines and reduce costs associated with owning property; purchasing fuel [or water]; and permitting, constructing, and maintaining a power plant." This technology is available now, and is underway in other parts of the United States.

The TCRPC report also suggests the partnering of offshore wind and ocean current generation. PBCEC believes these options, which are under development now, could be available in a hastened time frame if non-renewable conventional fuels sources were not pursued in this crucial decade, which has been acknowledged by global climate scientists to within the tipping point of irreversible climate change.

In recent media releases, FPL has claimed that these dockets before the PSC will reduce CO2 emissions by more than 15 million tons over the life of the projects. But the critical eye of public interest, and public agencies that are tasked to work in its service, must also note that the projects will emit near that amount on an annual basis for the duration of their operations. 'Reduction' standards must not be in the eye-of-the-profitteer. They must be concrete and tangible, measured in observance of the evolving climate science of the Intergovernmental Panel on Climate Change and other reputable scientific bodies.

The PBCEC is concerned that FPL's current agenda is not as economically sound or environmentally friendly as their public relations would have us believe. In a letter-to-the-editor published in the Palm Beach Post following an annual FPL shareholders meeting, entitled, ironically "Conservation a top priority for industry leader FPL", Company president Armando Olivera explains FPL's perspective that "over-reliance on conservation to meet our needs will leave customers vulnerable to higher rates and decreased reliability." In the face of clean, renewable energy options and efficiency and conservation opportunities, this attitude can only be seen as a threat and a leash to centralized non-renewable, unsustainable power for our FPL ratepayers in the PBCEC and the Public Service Commission that we expect to protect our interests.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Pre-hearing Statement has been

9/10/2008

furnished by electronic mail this 6th day of June, 2008, to the following:

Florida Public Service Commission

Jennifer Brubaker, Esq.

2540 Shumard Oak Blvd.

Tallahassee, FL 3299-0850

[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

Department of Community Affairs

Charles Gauthier Division of Community Planning Siting

Coordination Office

2555 Shumard Oak Boulevard 2600

Tallahassee, FL 32399-2100

[charles.gauthier@dca.state.fl.us](mailto:charles.gauthier@dca.state.fl.us)

Department of Environmental Protection

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Blair Stone Road, MS 48

Tallahassee, FL 32301

[Mike.Halpin@dep.state.fl.us](mailto:Mike.Halpin@dep.state.fl.us)

Office of Public Counsel

Charles Beck

c/o The Florida Legislature

111 W. Madison Street, Room 812

Tallahassee, FL 32399-1400

[beck.charles@leg.state.fl.us](mailto:beck.charles@leg.state.fl.us)

9/10/2008



Florida Power & Light Company

John T. Butler, Senior Attorney

700 Universe Boulevard

Juno Beach, FL 33408-0420

[John\\_Butler@fpl.com](mailto:John_Butler@fpl.com)

Stephen L. Huntoon

Florida Power & Light Company

801 Pennsylvania Avenue N.W.

Washington, D.C. 20004

[stephen\\_huntoon@fpl.com](mailto:stephen_huntoon@fpl.com)

Dorothy Menasco

080203

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, June 26, 2008 4:55 PM  
**To:** 'jack\_leon@fpl.com'  
**Cc:** Ruth Nettles; Kimberley Pena  
**Subject:** FW: Electronic Filing for Docket Nos. 080203-EI, 080245-EI & 080246-EI / FPL's Late Filed Hearing Exhibit No. 99

FPSC, CLK - CORRESPONDENCE  
 \_\_\_Administrative\_\_\_ Parties \_\_\_Consumer\_\_\_  
 DOCUMENT NO. 04024-08  
 DISTRIBUTION: \_\_\_\_\_

**Attachments:** Transmittal Letter - Late Filed Hearing Exhibit No. 99.doc; Late Filed Hearing Ex No. 99.pdf

Mr. Leon:

We have received the attachments referenced in your e-filing below. Please note that per Commission e-filing requirements, any cover letter or certificate of service must be included in the electronic document to which it relates, and shall not be submitted as a separate attachment to the email. A link to the Commission's e-filing requirements is included for your convenience: <http://www.psc.state.fl.us/dockets/e-filings/>

Your filing will need to be revised and resubmitted in order to be eligible for electronic filing.

Please feel free to call our office if you have any questions.

Dorothy Menasco  
 FPSC  
 Office of Commission Clerk  
 850-413-6330

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**From:** Jack Leon [mailto:Jack\_Leon@fpl.com]  
**Sent:** Thursday, June 26, 2008 4:41 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Bryan.Anderson@fpl.com; Jessica.Cano@fpl.com; Martha Brown  
**Subject:** Electronic Filing for Docket Nos. 080203-EI, 080245-EI & 080246-EI / FPL's Late Filed Hearing Exhibit No. 99

### Electronic Filing

**a. Person responsible for this electronic filing:**

Joaquin E. Leon, Esq.  
 9250 W. Flagler St., Suite 6514  
 Miami, FL 33174  
 (305) 552-3922  
 jack\_leon@fpl.com

**b. Docket Nos. 080203-EI, 080245-EI & 080246-EI**

In re: Florida Power & Light Company's  
 Petition to Determine Need for West County  
 Energy Center Unit 3 Electrical Power Plant

In re: Florida Power & Light Company's  
 Petition to Determine Need for Conversion of Riviera Plant

6/26/2008

In re: Florida Power & Light Company's  
Petition to Determine Need for Conversion of Cape Canaveral Plant

- c. Documents are being filed on behalf of Florida Power & Light Company.
- d. There are a total of 2 pages in the attached document.
- e. The document attached for electronic filing is Florida Power & Light Company's Late Filed Hearing Exhibit No. 99.

*(See attached file: Transmittal Letter - Late Filed Hearing Exhibit No. 99.doc)(See attached file: Late Filed Hearing Ex No. 99.pdf)*

Thank you for your attention and cooperation to this request.

Jack Leon  
Senior Attorney  
Florida Power & Light Company  
9250 W. Flagler Street, Suite 6514  
Miami, Florida 33174  
(305) 552-3922  
Fax: (305) 552-4911  
Cell: (305) 439-1661

6/26/2008

Dorothy Menasco

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, June 09, 2008 12:09 PM  
**To:** 'pbcenvirocoalition@gmail.com'  
**Cc:** Kimberley Pena; Ruth Nettles  
**Subject:** FW: Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1

**FPSC, CLK - CORRESPONDENCE**  
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**DOCUMENT NO.** 04024-08  
**DISTRIBUTION:** \_\_\_\_\_

**We are in receipt of your filing below. However, this filing is not eligible for electronic filing. Please see e-filing requirements on the PSC webpage at: <http://www.psc.state.fl.us/dockets/e-filings/> Specifically:**

### **E-Mail Transmitting an Electronically Filed Document**

- The e-mail message transmitting the document(s) to be filed is not itself considered a filing. Therefore, documents contained within the text of an e-mail transmission will not be considered filed.
- Multiple documents may be attached to the same e-mail transmittal. However, any cover letter or certificate of service must be included in the electronic document to which it relates, and shall not be submitted as a separate attachment to the e-mail.

**Your filing will need to be revised and resubmitted in order to be officially accepted for filing.**

**Please feel free to call our office if you have any questions.**

*Dorothy Menasco*  
 FPSC  
 Office of Commission Clerk  
 850-413-6330

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**Sent:** Friday, June 06, 2008 3:09 PM  
**To:** Jennifer Brubaker; pbcenvirocoalition@gmail.com  
**Cc:** charles.gauthier@dca.state.fl.us; Halpin, Mike; Charles Beck; John\_Butler@fpl.com; stephen\_huntoon@fpl.com  
**Subject:** Re: Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1

### **BEFORE THE PUBLIC SERVICE COMMISSION**

Re: Florida Power and Light's Consolidated PSC Dockets:

6/9/2008

080203-E1 PETITION TO DETERMINE NEED FOR WEST COUNTY ENERGY CENTER UNIT 3 ELECTRICAL POWER PLANT, BY FLORIDA POWER & LIGHT COMPANY;

080245-E1 PETITION FOR DETERMINATION OF NEED FOR CONVERSION OF RIVIERA PLANT IN PALM BEACH COUNTY, BY FLORIDA POWER & LIGHT COMPANY;

080246-E1 PETITION FOR DETERMINATION OF NEED FOR CONVERSION OF CAPE CANAVERAL PLANT IN BREVARD COUNTY BY FLORIDA POWER & LIGHT COMPANY.

CONSOLIDATION ISSUED: May 27,2008

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We also request the the PSC Needs Determination Hearing be held in the area of the proposed projects, as was done recently in DOCKET NO. 070650-EL, regarding a proposal in the Miami/Dade region.

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Panagioti Tsolkas

822 North C Street, Lake Worth, FL 33460

[PBCEnviroCoalition@gmail.com](mailto:PBCEnviroCoalition@gmail.com)

## **PRE-HEARING STATEMENT**

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require the project contribute to FPL's power system's reliability and integrity, its fuel diversity, base load generation capacity, and its effort to deliver adequate electricity at a reasonable cost. That it continues to be a viable option after any renewable energy sources and technologies or conservation measures that may be taken or are reasonably available to FPL that might mitigate the need for the proposed generating units has been considered, while also providing the most cost effective source of power.

It is our belief, based on our research, that the projected cost of this proposal as alleged by FPL does not represent an accurate assessment of the actual costs of the project. Future costs attributed to CO2 are not taken into consideration in a tangible and concrete manner and environmental and health cost impacts associated with drilling and extraction are not mentioned. The availability and cost of water need also to be considered.

It is our contention that every dollar of FPL rate payer money proposed to be spent on the proposed fossil fuel power project could be better spent on efficiency, conservation and renewables; financing programs that may include new or expanded DSM programs, leveraging through cost sharing the expansion of net metering / distributive energy programs. The integration of solar thermal and geothermal applications can mitigate peak load. The more efficient use of the existing base load can eliminate the need for new base load capacity. We also see a slowing of growth in Florida that calls into question the proponent's projection for need. New building design criteria is also intended to reduce the need for new generation.

We, the PBCEC, are in agreement with the report from the Treasure Coast Regional Planning Council (TCRPC, or 'Council') regarding the above proposed power projects and their relation to the FPL Ten Year Power Plant Site Plan, 2008-2017. This report was approved and authorized to be transmitted to the Florida Public Service Commission (PSC) on May 16, 2008, at the public Council meeting. This report found FPL to be "inconsistent with Strategic Regional Policy Plan Goal 9.1, Decreased vulnerability of the region to fuel price increases and supply interruptions; and Strategy 9.1.1, Reduce the Region's reliance on fossil fuels." The TCRPC urged FPL and the State of Florida to continue developing new programs "to 1) reduce the reliance on fossil fuels as future energy sources; 2) increase conservation activities to offset the need to construct new power plants; and 3) increase the reliance on renewable energy sources to produce electricity."

### **Statement of Positions and issues**

**ISSUE 1:** Is there a need for the proposed generating units, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, the current and future needs of Floridian's power can be met with greater reliability and integrity with the implementation of efficiency/conservation measures, the graduated increased use of renewable technologies, a generous net metering / distributive energy program.

**ISSUE 2:** Is there a need for the proposed generating units, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, These proposals would push FPL's energy fleet well over 70% dependence on natural gas, which is often not from domestic sources. Distributive generation of thermal and photovoltaic solar, and other sustainable options, are preferred methods of establishing fuel diversity over fossil fuels in the existing energy needs environment.

**ISSUE 3:** Is there a need for the proposed generating units, taking into account the need for base-load generating

capacity, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, there already exists sufficient base-load. Future base-load and current base-load can incrementally be provided and replaced by efficiency and cleaner new renewable applications. Population decline and greater efficiencies allow current existing base-load capacity to satisfy the need.

**ISSUE 4:** Is there a need for the proposed generating units, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, reasonable cost has not been established here. Natural Gas is in a mode of constant cost increase, with no reduction in sight. The cost of total CO2 and other greenhouse gases related to fuel have not been assessed for all projects. Water costs remain a question. We already have adequate electricity. The economic costs of insuring the risks associated with an unforeseen event may be limited to FPL but extend to the overall population in the amount of dollars and need to be considered in the cost/risk assessment and in relationship to the other options.

**ISSUE 5:** Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?

**Position:** Yes. Enormous opportunities for efficiency and conservation, distributive energy and clean technologies exist.

**ISSUE 6:** Will the proposed generating units provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes?

**Position:** No, this project's costs must be compared with an equal amount of analysis to a renewable/efficiency option, especially those which have no fuel, water or carbon costs.

**ISSUE 7:** Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light Company's petition to determine the need for the proposed generating units?

**Position:** No

**ISSUE 8:** Should this docket be closed?

**Position:** Yes, this docket should be closed and FPL's petition denied due to the lack of adequate analysis of all reasonable options; the economic and environmental risks and inability to project accurate costs which in turn stifles the development and investment in efficiency and new clean technologies.

#### Additional Issues

We believe that the reality of greenwashing must be taken into serious consideration when reviewing these consolidated dockets. According to Wikipedia, online encyclopedia, "**Greenwash** (a portmanteau of *green* and

*whitewash*) is a term that is used to describe the act of misleading consumers regarding the environmental practices of a company or the environmental benefits of a product or service. The term **Green sheen** has similarly been used to describe organisations which attempt to appear that they are adopting practices beneficial to the environment."

In December 2007, FPL presented a document entitled "Climate Change and FPL's Greenhouse Gas Strategy" as Appendix 10.8 to which is intended to highlight "the specific actions that FPL is taking now in Florida to address climate change and how the West County Energy Center (WCEC) Unit 3 will be incorporated into FPL's solutions for global climate change." Appendix 10.8 claims that "in fact, the addition of WCEC Unit 3 will contribute to an overall increase in efficiency of FPL's generation portfolio, thereby reducing the expected system-wide carbon dioxide (CO2) emissions," and that the WCEC unit 3 will be a part of providing low and zero emitting electric generation and help to achieve generation diversity in Florida." This appendix also expresses that "FPL believes that greater use of conservation and cost-effective renewable resources is good for America."

While FPL's self-promotion reads, unsurprisingly, like an advertisement for their highly-profitable product. Independent, public interest assessments of their proposals, such as that of the TCRPC, reads quite differently. This public agency's staff report found FPL to be "inconsistent with Strategic Regional Policy Plan Goal 9.1, Decreased vulnerability of the region to fuel price increases and supply interruptions; and Strategy 9.1.1, Reduce the Region's reliance on fossil fuels." The TCRPC urged FPL and the State of Florida to continue developing new programs "to 1) reduce the reliance on fossil fuels as future energy sources; 2) increase conservation activities to offset the need to construct new power plants; and 3) increase the reliance on renewable energy sources to produce electricity."

The Council recommended that "FPL should develop a program to install, own and operate photovoltaic units on the rooftops of private and public buildings... modeled after the Southern California Edison plans" where a utility will plans to install solar energy on more than 100 buildings in the greater Los Angeles area. TCRPC suggests that a "shift to rooftop photovoltaic systems distributed throughout the area of demand could reduce the reliance on large transmission lines and reduce costs associated with owning property; purchasing fuel [or water]; and permitting, constructing, and maintaining a power plant." This technology is available now, and is underway in other parts of the United States.

The TCRPC report also suggests the partnering of offshore wind and ocean current generation. PBCEC believes these options, which are under development now, could be available in a hastened time frame if non-renewable conventional fuels sources were not pursued in this crucial decade, which has been acknowledged by global climate scientists to within the tipping point of irreversible climate change.

In recent media releases, FPL has claimed that these dockets before the PSC will reduce CO2 emissions by more than 15 million tons over the life of the projects. But the critical eye of public interest, and public agencies that are tasked to work in its service, must also note that the projects will emit near that amount on an annual basis for the duration of their operations. 'Reduction' standards must not be in the eye-of-the-profitteer. They must be concrete and tangible, measured in observance of the evolving climate science of the Intergovernmental Panel on Climate Change and other reputable scientific bodies.

The PBCEC is concerned that FPL's current agenda is not as economically sound or environmentally friendly as their public relations would have us believe. In a letter-to-the-editor published in the Palm Beach Post following an annual FPL shareholders meeting, entitled, ironically "Conservation a top priority for industry leader FPL", Company president Armando Olivera explains FPL's perspective that "over-reliance on conservation to meet our needs will leave customers vulnerable to higher rates and decreased reliability." In the face of clean, renewable energy options and efficiency and conservation opportunities, this attitude can only be seen as a threat and a leash to centralized non-renewable, unsustainable power for our FPL ratepayers in the PBCEC and the Public Service Commission that we expect to protect our interests.

### CERTIFICATE OF SERVICE

6/9/2008



I HEREBY CERTIFY that a true and correct copy of the foregoing Pre-hearing Statement has been furnished by electronic mail this 6th day of June, 2008, to the following:

Florida Public Service Commission

Jennifer Brubaker, Esq.

2540 Shumard Oak Blvd.

Tallahassee, FL 3299-0850

[jbrubake@psc.state.fl.us](mailto:jbrubake@psc.state.fl.us)

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Dorothy Menasco

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, June 09, 2008 12:00 PM  
**To:** 'pbcenvirocoalition@gmail.com'  
**Cc:** Ann Cole; Ruth Nettles  
**Subject:** FW: [Amended, with Attachement] Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1  
**Attachments:** PSC filing PBCEC.doc

FPSC, CLK - CORRESPONDENCE  
 \_\_\_Administrative\_\_\_  Parties \_\_\_Consumer\_\_\_  
 DOCUMENT NO. 04024-08  
 DISTRIBUTION: \_\_\_\_\_

Panagioti Tsolkas,

We are in receipt of the attached filing. However, the document you submitted does not include an official electronic signature. This document will need to be revised and resubmitted in order to be accepted for filing.

Please see e-filing requirements on our website (<http://www.psc.state.fl.us/dockets/e-filings/>), in particular:

Documents shall be signed by typing "s/" followed by the signatory:

s/ First M. Last

Please feel free to call if you have any questions.

*Dorothy Menasco*  
 FPSC  
 Office of Commission Clerk  
 850-413-6330

---

**From:** PBC EnviroCoalition [mailto:pbcenvirocoalition@gmail.com]  
**Sent:** Monday, June 09, 2008 11:23 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** [Amended, with Attachement] Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1

The e-mail message to which the document is attached shall include the following information, in the order listed:

- a. Panagioti Tsolkas, 822 North C Street, Lake Worth, FL 33460, 561-588-9666, [PBCEnviroCoalition@gmail.com](mailto:PBCEnviroCoalition@gmail.com)The ,
- b. Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1
- c. Panagioti Tsolkas, Palm Beach County Environmental Coalition
- d. The total number of pages: 7
- e. Pre-filing document, request for intervention, petition of Florida Power and Light's Consolidated PSC Dockets: 080203-E1; 080245-E1; 080246-E1

6/9/2008

Dorothy Menasco

080243

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, June 05, 2008 4:07 PM  
**To:** 'audrey\_loy\_chin@fpl.com'  
**Cc:** Ruth Nettles; Kimberley Pena  
**Subject:** FW: Electronic Filing for Docket Nos. 080245-EI & 080246-EI / FPL's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25)  
**Attachments:** FPL's Notice of Service of Objections & Responses to Staff's 1st Set of Interrogatories (Nos. 1-25) - Conversions.doc

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<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 04024-08		
DISTRIBUTION: _____		

Ms. Chin,

My message below was sent to Mr. Leon earlier today (6/5/08). Our office received an "out of office" message in return. In an abundance of caution, I am forwarding the message to you:

On review of the attached filing, it appears there are no changes between this document and the version received today (6/5/08) at 11:14 a.m. (DN 04795-08). As such, this filing, received at 12:07 p.m. today, will be considered a duplicate and will not be accepted as an official filing. If you have any questions, please feel free to call our office.

*Dorothy Menasco**FPSC**Office of Commission Clerk**850-413-6330*


---

**From:** Jack Leon [mailto:Jack\_Leon@fpl.com]  
**Sent:** Thursday, June 05, 2008 12:07 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Bryan\_Anderson@fpl.com; Stephen\_Huntoon@fpl.com; Jessica\_Cano@fpl.com  
**Subject:** Electronic Filing for Docket Nos. 080245-EI & 080246-EI / FPL's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25)

**Electronic Filing****a. Person responsible for this electronic filing:**

Joaquin E. Leon, Esq.  
 9250 W. Flagler St., Suite 6514  
 Miami, FL 33174  
 (305) 552-3922  
 jack\_leon@fpl.com

**b. Docket Nos. 080245-EI & 080246-EI**

In re: Florida Power & Light Company's  
 Petition to Determine Need for Conversion of Riviera Plant

In re: Florida Power & Light Company's  
 Petition to Determine Need for Conversion of Cape Canaveral Plant

6/5/2008

- c. Documents are being filed on behalf of Florida Power & Light Company.
- d. There are a total of 2 pages in the attached document.
- e. The document attached for electronic filing is Florida Power & Light Company's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25).

*(See attached file: FPL's Notice of Service of Objections & Responses to Staff's 1st Set of Interrogatories (Nos. 1-25) - Conversions.doc)*

Thank you for your attention and cooperation to this request.

Jack Leon  
Senior Attorney  
Florida Power & Light Company  
9250 W. Flagler Street, Suite 6514  
Miami, Florida 33174  
(305) 552-3922  
Fax: (305) 552-4911  
Cell: (305) 439-1661

Dorothy Menasco

080203

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, June 05, 2008 12:37 PM  
**To:** 'jack\_leon@fpl.com'  
**Cc:** Ruth Nettles; Kimberley Pena  
**Subject:** FW: Electronic Filing for Docket Nos. 080245-EI & 080246-EI / FPL's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25)  
**Attachments:** FPL's Notice of Service of Objections & Responses to Staff's 1st Set of Interrogatories (Nos. 1-25) - Conversions.doc

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 \_\_\_Administrative\_\_\_ Parties \_\_\_Consumer\_\_\_  
 DOCUMENT NO. 04024-08  
 DISTRIBUTION: \_\_\_\_\_

Mr. Leon,

I apologize for any confusion the message below may have caused. I should have said, "(6/5/08)" rather than "(5/5/08)." For further clarification:

On review of the attached filing, it appears there are no changes between this document and the version received today (6/5/08) at 11:14 a.m. (DN 04795-08). As such, this filing, received at 12:07 p.m. today, will be considered a duplicate and will not be accepted as an official filing. If you have any questions, please feel free to call our office.

*Dorothy Menasco*  
 FPSC  
 Office of Commission Clerk  
 850-413-6330

---

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, June 05, 2008 12:31 PM  
**To:** 'jack\_leon@fpl.com'  
**Cc:** Ruth Nettles; Kimberley Pena  
**Subject:** FW: Electronic Filing for Docket Nos. 080245-EI & 080246-EI / FPL's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25)

Mr. Leon,

On review of the attached filing, it appears there are no changes between this document and the version received today (5/5/08) at 11:14 a.m. (DN 04795-08). As such, this filing, received at 12:07 p.m. today, will be considered a duplicate and will not be accepted as an official filing. If you have any questions, please feel free to call our office.

*Dorothy Menasco*  
 FPSC  
 Office of Commission Clerk  
 850-413-6330

---

**From:** Jack Leon [mailto:Jack\_Leon@fpl.com]  
**Sent:** Thursday, June 05, 2008 12:07 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Bryan\_Anderson@fpl.com; Stephen\_Huntoon@fpl.com; Jessica\_Cano@fpl.com  
**Subject:** Electronic Filing for Docket Nos. 080245-EI & 080246-EI / FPL's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25)

**Electronic Filing**

6/5/2008

**a. Person responsible for this electronic filing:**

Joaquin E. Leon, Esq.  
9250 W. Flagler St., Suite 6514  
Miami, FL 33174  
(305) 552-3922  
jack\_leon@fpl.com

**b. Docket Nos. 080245-EI & 080246-EI**

In re: Florida Power & Light Company's  
Petition to Determine Need for Conversion of Riviera Plant

In re: Florida Power & Light Company's  
Petition to Determine Need for Conversion of Cape Canaveral Plant

**c. Documents are being filed on behalf of Florida Power & Light Company.**

**d. There are a total of 2 pages in the attached document.**

**e. The document attached for electronic filing is Florida Power & Light Company's Notice of Service of Objections and Responses to Staff's 1st Set of Interrogatories (Nos. 1-25).**

*(See attached file: FPL's Notice of Service of Objections & Responses to Staff's 1st Set of Interrogatories (Nos. 1-25) - Conversions.doc)*

Thank you for your attention and cooperation to this request.

Jack Leon  
Senior Attorney  
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9250 W. Flagler Street, Suite 6514  
Miami, Florida 33174  
(305) 552-3922  
Fax: (305) 552-4911  
Cell: (305) 439-1661

**Ruth Nettles**

# **PARTIES**

**From:** on behalf of Filings@psc.state.fl.us  
**To:** Jack\_Leon@fpl.com  
**Subject:** FW: Electronic Filing for Docket No. 080203-EI / FPL's Notice of Service of Revised Response to Staff's 1st Set of Interrogatories (No. 21)  
**Attachments:** FPL's Notice of Service of Revised Response to Staff's 1st Set of Interrogatories (No. 21)\_05-14-08.doc

Mr. Leon,

We are in receipt of the attached filing. However, the document you submitted didn't include an official electronic signature on the pleading. This document will need to be revised and resubmitted in order to be accepted for filing.

Please see e-filings requirements on our website (<http://www.psc.state.fl.us/dockets/e-filings/>), in particular: Documents shall be signed by typing "s/" followed by the signatory:

s/First M. Last

Please feel free to call if you have any questions.

Ruth Nettles  
 FPSC  
 Office of Commission Clerk  
 850-413-6758

---

**From:** Jack Leon [mailto:Jack\_Leon@fpl.com]  
**Sent:** Wednesday, May 14, 2008 2:55 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Wade\_Litchfield@fpl.com; Bryan\_Anderson@fpl.com; Stephen\_Huntoon@fpl.com; Jessica\_Cano@fpl.com  
**Subject:** Electronic Filing for Docket No. 080203-EI / FPL's Notice of Service of Revised Response to Staff's 1st Set of Interrogatories (No. 21)

### **Electronic Filing**

a. Person responsible for this electronic filing:

Joaquin E. Leon, Esq.  
 9250 W. Flagler St., Suite 6514  
 Miami, FL 33174  
 (305) 552-3922  
 jack\_leon@fpl.com

b. Docket No. 080203-EI

In re: Florida Power & Light Company's  
 Petition to Determine Need for West County  
 Energy Center Unit 3 Electrical Power Plant

c. Documents are being filed on behalf of Florida Power & Light Company.

d. There are a total of 2 pages in the attached document.

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Service of

5/14/2008

DOCUMENT NUMBER - DATE  
 04024 MAY 14 08  
 FPSC-COMMISSION CLERK



Revised Response to Staff's 1st Set of Interrogatories (No. 21).

*(See attached file: FPL's Notice of Service of Revised Response to Staff's 1st Set of Interrogatories (No. 21)\_05-14-08.doc)*

Thank you for your attention and cooperation to this request.

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