

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF NEED DETERMINATION HEARING AND PREHEARING CONFERENCE  
ON PROPOSED ELECTRICAL POWER PLANT

TO

FLORIDA POWER CORPORATION  
DEPARTMENT OF COMMUNITY AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ELECTRIC AND GAS UTILITIES

AND

ALL INTERESTED PERSONS

IN RE: DOCKET NO. 020953-EI

PETITION TO DETERMINE NEED FOR HINES UNIT 3 IN  
POLK COUNTY BY FLORIDA POWER CORPORATION.

ISSUED: September 18, 2002

NOTICE is hereby given that the Florida Public Service Commission will hold a public hearing in the above docket. The time and location of the hearing are listed below. All persons who wish to be heard are urged to be present at the beginning of the hearing on Wednesday, December 4, 2002.

December 4, 2002, 9:30 a.m.\*  
Commission Hearing Room 148  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

\*December 5, 2002, has also been reserved for this hearing.

DOCUMENT NUMBER DATE

09915 SEP 18 8

FPSC-COMMISSION CLERK

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

PURPOSE AND PROCEDURE

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Sections 403.501-519, Florida Statutes, for the construction of a power plant and related facilities in Polk County, Florida. This proceeding shall: 1) allow Florida Power Corporation to present evidence and testimony in support of their petition for a determination of need for their proposed plant and related facilities in Polk County, Florida; 2) allow any intervenors to present testimony and exhibits concerning this matter; 3) allow members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and, 4) allow for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

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

Under Section 403.519, Florida Statutes, the Commission is the sole forum for the determination of need for the electrical power plant and associated facilities. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. The Commission must also expressly consider the conservation measures taken by or reasonably

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available to the petitioners which might mitigate the need for the proposed plant, and other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the Polk County facility shall create a presumption of public need and necessity and shall serve as the Commission's report as required by Section 403.507(2)(a)(2), Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the power plant and its associated facilities will be heard at the December 4, 2002, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present testimony regarding the need for the proposed plant and associated facilities. All members of the public who wish to offer testimony should be present at the beginning of the hearing. All witnesses will be sworn and will be subject to cross-examination at the conclusion of their testimony.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Blanca S Bayó, Director  
Division of Commission Clerks and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0870  
Re: Docket No. 020953-EI

Anyone wishing to become a party to the need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code with the Director of the Commission's Division of the Commission Clerk and Administrative Services at the address listed above. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to

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be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

GENERAL LOCATION AND PROJECT DESCRIPTION

The proposed electric power plant will be a gas-fired, combined cycle electrical power plant with a nominal rating of 582 MW. The plant will consist of a 2 on 1 combined cycle unit. It will use low sulfur (0.05 percent) distillate oil as backup fuel. Natural gas will be delivered by pipeline to the plant, and distillate oil will be transported by truck to the Hines Energy Complex. Florida Power Corporation will place the plant in service by December, 2005.

PREHEARING CONFERENCE

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

November 18, 2002, 1:30 p.m.  
Commission Hearing Room 148  
Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

The purpose of the prehearing conference will be to consider: (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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JURISDICTION

Jurisdiction over this determination of need is vested in the Commission by Chapter 366 and Section 403.519, Florida Statutes. This proceeding will be governed by the provisions of Chapter 120, Florida Statutes, as well as Chapter 25-22 and Chapter 28-106, Florida Administrative Code.

APPLICATION

A copy of the Petition for Determination of Need and supporting exhibits are available for public inspection during normal business hours at the following location:

Florida Public Service Commission  
Division of Commission Clerk and Administrative Services  
Room 110, Betty Easley Conference Center  
4075 Esplanade Way  
Tallahassee, Florida

By DIRECTION of the Florida Public Service Commission this  
18th day of September, 2002.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

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