

Matilda Sanders

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**Sent:** Monday, October 23, 2006 1:52 PM  
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**Subject:** Docket No. 060635-EU  
**Attachments:** Response To Applicants Motion to Strike.doc

ORIGINAL

Dear Sir or Madam:

This is sent on behalf of Brian Armstrong:

1. Brian Armstrong, 7025 Lake Basin Road, Tallahassee, Florida 32312, (850) 322-4097, is the person responsible for this electronic filing.
2. The filing is to be made in Docket 060635-EU.
3. The filing is to be made on behalf of Rebecca Armstrong.
4. The total number of pages is 4.
5. The attached document is the Reply to the Applicants' Response in Opposition to Emergency Motion for Extension of Time to File Testimony.

Brian P. Armstrong

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition To Determine Need for  
an Electrical Power Plant in Taylor County  
by Florida Municipal Power Agency, JEA,  
Reedy Creek Improvement District and  
City of Tallahassee

) Docket No. 060635-EU

) Dated October 23, 2006

**Response To Applicant's Motion to Strike**

Rebecca J. Armstrong, by and through her undersigned attorney, responds in opposition to Applicant's motion to strike and states as follows:

1. The issues raised by Armstrong address costs which will result if Applicants are permitted to construct the proposed coal plant.

2. Applicants suggest that a number of the issues identified by Armstrong identify costs which are speculative and thus should not be considered by the Commission. For example, Applicants suggest that carbon allowance costs should not be considered in this proceeding when comparing the costs of the available alternatives. The testimony presented by Applicants appears to include estimated carbon allowance costs (see testimony of witness Kushner), belying Applicant's claim. By including this testimony, Applicants acknowledge that it is both prudent and reasonable for the Commission to address all costs which will be incurred if Applicant's coal plant is to be built. Applicants should not be permitted to cherry-pick which costs, like carbon allowance costs, they will address, and which costs they choose not to address.

3. Commission precedent exists whereby the Commission has required utilities to modify utility facilities, and incur the costs to do so, despite the fact that the product being sold by the utility complies with applicable standards of the Department of Environmental Protection. Recent proceedings regarding Aloha Utilities, Inc. provide

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confirmation of such precedent. There is no logical reason why the Commission should not apply such precedent in this proceeding if it can be shown that the Applicant's proposed plant should include additional treatment equipment to protect the public interest in the same manner as the Commission requires of other utilities which it regulates.

4. If the Commission is to address the comparative costs of the available alternatives, the record must be complete as to every cost component which arise under each alternative. Clean up costs for toxic substances, water quality issues, additional construction costs to be incurred if sinkholes exist on the property where the plant is to be built, i.e., for fill, rail transportation costs, availability of rail lines, and a myriad of related issues must be identified. Armstrong and other intervenors must not be deprived of their ability to explore such costs in the record.

5. Armstrong submits that there is no basis for striking any of the issues identified in the Petition To Intervene and looks forward to oral argument concerning Applicant's motion.

WHEREFORE, Armstrong requests that the Commission deny Applicant's Motion to Strike.

Respectfully submitted this 23rd day of October, 2006.

*s/ Brian P. Armstrong*

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**ATTORNEY FOR INTERVENOR**

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Reply To Applicants Response In Opposition To Emergency Motion For Extension Of Time To File Testimony has been furnished by electronic Mail and U.S. Mail this 23rd day of October, 2006, to the following:

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