

**Matilda Sanders**

**From:** Brett Paben [wildlawfl@comcast.net]  
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**Subject:** Docket No. 060635-EU

**ORIGINAL**

**Attachments:** Revised\_PreliminaryIssuesAndPositions-060635.pdf; Revised\_PreliminaryIssuesAndPositions-060635.doc

**The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:**

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**The docket number and title if filed in an existing docket:**

Docket No. 060635-EU  
INTERVENOR JOHN CARL WHITTON, JR.'S REVISED PRELIMINARY LIST OF ISSUES AND POSITIONS

**The name of the party on whose behalf the document is filed:**

John Carl Whitton, Jr.

**The total number of pages in each attached document: 7**

**A brief but complete description of each attached document:**

Whitton's Revised Preliminary List of Issues and Positions and Certificate of Service.

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ORIGINAL

BEFORE THE STATE OF FLORIDA,  
PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for  
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: November 20, 2006

INTERVENOR JOHN CARL WHITTON, JR.'S REVISED PRELIMINARY LIST OF  
ISSUES AND POSITIONS

Pursuant to Order No. PSC-06-0819-PCO-EU (October 4, 2006), establishing the prehearing procedure in this docket, and following the informal meeting between Commission staff, the Applicants and the parties to this docket on November 17, 2006 to discuss these issue, Intervenor John Carl Whitton, Jr. (hereinafter "Whitton"), hereby submits this Revised Preliminary List of Issues and Positions.

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

**POSITION:** No.

**ISSUE 1a:** Is there a need for the proposed Taylor Energy Center (TEC) generating unit, taking into account the need for electric system reliability and integrity with regard to JEA, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No.

**ISSUE 1b:** Is there a need for the proposed Taylor Energy Center (TEC) generating unit, taking into account the need for electric system reliability and integrity with regard to FMPA, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No.

**ISSUE 1c:** Is there a need for the proposed Taylor Energy Center (TEC) generating unit, taking into account the need for electric system reliability and integrity with regard to Tallahassee, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No.

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**ISSUE 1d:** Is there a need for the proposed Taylor Energy Center (TEC) generating unit, taking into account the need for electric system reliability and integrity with regard to RCID, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No.

**ISSUE 2:** Is there a need for the proposed TEC generating unit, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No.

**ISSUE 2a:** Does the TEC generating unit provide adequate electricity at a reasonable cost for JEA, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No.

**ISSUE 2b:** Does the TEC generating unit provide adequate electricity at a reasonable cost for FMPA, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No.

**ISSUE 2c:** Does the TEC generating unit provide adequate electricity at a reasonable cost for Tallahassee, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No.

**ISSUE 2d:** Does the TEC generating unit provide adequate electricity at a reasonable cost for RCID, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No.

**ISSUE 3:** Is there a need for the proposed TEC generating unit, taking into account the need for fuel diversity and supply reliability, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No position at this time.

**ISSUE 3a:** Does the TEC generating unit provide for fuel diversity and supply reliability on JEA's system, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No position at this time.

**ISSUE 3b:** Does the TEC generating unit provide for fuel diversity and supply reliability on FMPA's system, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No position at this time.

**ISSUE 3c:** Does the TEC generating unit provide for fuel diversity and supply reliability on Tallahassee's system, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No position at this time.

**ISSUE 3d:** Does the TEC generating unit provide for fuel diversity and supply reliability on RCID's system, as this criterion is used in Section 403.519, Florida Statute?

**POSITION:** No position at this time.

**ISSUE 4:** Are there any conservation measures taken by or reasonably available to the Florida Municipal Power Agency, JEA, Reedy Creek Improvement District, and City of Tallahassee (Participants) which might mitigate the need for the proposed TEC generating unit?

**POSITION:** Yes.

**ISSUE 4a:** Are there any conservation measures taken by or reasonably available to FMPA which might mitigate the need for the proposed TEC generating unit?

**POSITION:** Yes.

**ISSUE 4a(1):** Has FMPA accurately and appropriately modeled DSM in its integrated resource plan?

**POSITION:** No.

**ISSUE 4b:** Are there any conservation measures taken by or reasonably available to JEA which might mitigate the need for the proposed TEC generating unit?

**POSITION:** Yes.

**ISSUE 4b(1):** Has JEA accurately and appropriately modeled DSM in its integrated resource plan?

**POSITION:** No.

**ISSUE 4c:** Are there any conservation measures taken by or reasonably available to Tallahassee which might mitigate the need for the proposed TEC generating unit?

**POSITION:** Yes.

**ISSUE 4c(1):** Has Tallahassee accurately and appropriately modeled DSM in its integrated resource plan?

**POSITION:** No position at this time.

**ISSUE 4d:** Are there any conservation measures taken by or reasonably available to RCID which might mitigate the need for the proposed TEC generating unit?

**POSITION:** Yes.

**ISSUE 4d(1):** Has RCID accurately and appropriately modeled DSM in its integrated resource plan?

**POSITION:** No.

**ISSUE 5:** Does the proposed TEC generating unit include the costs for the environmental controls necessary to meet current and reasonably anticipated state and federal environmental requirements?

**POSITION:** No.

**ISSUE 5a:** Have the Applicants appropriately evaluated the cost of CO<sub>2</sub> emission mitigation costs in their economic analyses?

**POSITION:** No.

**ISSUE 5b:** Have the Applicants appropriately evaluated the cost of compliance with mercury, NO<sub>2</sub>, SO<sub>2</sub>, particulate emission and other applicable environmental and public health standards?

**POSITION:** No position at this time.

**ISSUE 5c:** Have the Applicants appropriately evaluated compliance costs associated with the Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule standards?

**POSITION:** No position at this time.

**ISSUE 5d:** Have the Applicants appropriately evaluated the economic costs of the potential detrimental effects on public health and the environment?

**POSITION:** The purpose of utilizing the most efficient and cost-effective energy conservation systems is “to protect the **health**, prosperity, and **general welfare** of the state and its citizens,” Section 366.81, Fla. Stat. (emphasis added). Furthermore, Sections “386.80-366.85 and 403.519 are to be liberally construed in order to meet the complex problems of ... increasing the overall efficiency and cost-effectiveness of electricity...” *Id.* Thus, it is necessary to consider health and environmental costs in this proceeding, which have not been addressed by the Applicants.

**ISSUE 6:** Is the proposed TEC generating unit the most cost effective alternative available, as this criterion is used in Section 403.519, Florida Statutes?

**POSITION:** No.

**ISSUE 6a:** Is the proposed TEC generating unit the most cost effective alternative available for FMPA?

**POSITION:** No.

**ISSUE 6b:** Is the proposed TEC generating unit the most cost effective alternative available for JEA?

**POSITION:** No.

**ISSUE 6c:** Is the proposed TEC generating unit the most cost effective alternative for Tallahassee?

**POSITION:** No.

**ISSUE 6d:** Is the proposed TEC generating unit the most cost effective alternative for RCID?

**POSITION:** No.

**ISSUE 6e:** Are the projected purchase prices and transportation costs for natural gas and coal used in the IRP reasonable?

**POSITION:** No position at this time.

**ISSUE 6f:** Are TEC's proposed construction costs reasonable in light of current increased costs of building coal plants?

**POSITION:** No.

**ISSUE 6g:** Have the Applicants requested available funding from DOE to construct an IGCC unit or other cleaner coal technology?

**POSITION:** No.

**NEW ISSUE:** Has each Applicant secured final approval of its respective governing body for the construction of the proposed TEC generating unit?

**POSITION:** No.

**ISSUE 7:** Based on the resolution of the foregoing issues, should the Commission grant the Participants' petition to determine the need for the proposed TEC generating unit?

**POSITION:** No.

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

**POSITION:** This docket should be closed when the Commission has issued its final order and all motions for reconsideration have been disposed of.

Dated this 20<sup>th</sup> day of November, 2006.

Respectfully submitted,

s/ Brett M. Paben

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been furnished via electronic service on this 20<sup>th</sup> day of November, 2006, to the following:

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Respectfully submitted,

s/ Brett M. Paben  
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