

Matilda Sanders

From: John W. McWhirter [jmcwhirter@mac-law.com]
Sent: Monday, December 18, 2006 8:51 PM
To: Filings@psc.state.fl.us
Subject: FW: FIPUG Prehearing Statement Docket 060642-EI
Attachments: FIPUG's final Prehearing Statement 060642 - 12-18-2006.doc

ORIGINAL

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From: John W. McWhirter [mailto:johnmac@tampabay.rr.com]
Sent: Monday, December 18, 2006 2:22 PM
To: 'Lisa Bennett'; 'alex.glenn@pgnmail.com'; 'Dianne Triplett'; 'James M. Walls'; 'john.burnett@pgnmail.com'; 'Harold Mclean'; 'paul.lewisjr@pgnmail.com'; 'Mike Haff'; 'Andrew Maurey'; 'Bill McNulty'; 'John Slemkewicz'; 'Cheryl Bulecza-Banks'; 'Lee Colson'; 'Pete Lester'; 'Mike Twomey'; 'Schef Wright'; Mike Twomey; Schef Wright; Patty Christensen, Esq.; JMcGlothlin@comcast.net
Cc: 'Lorena Holley'; 'Mary Anne Helton'
Subject: RE: FIPUG Prehearing Statement Docket 060642-EI

1. John W. McWhirter, Jr., McWhirter Reeves & Davidson, P.A., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 060642-EI, In re: CR-3 Uprate
3. The filing is made on behalf of the Florida Industrial Power Users Group;
4. The total number of pages is 3; and
5. The attached document is The Florida Industrial Power User Group's Prehearing Statement.

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DOCUMENT NUMBER - DATE
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12/19/2006

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From: Lisa Bennett [mailto:LBENNETT@PSC.STATE.FL.US]
Sent: Tuesday, December 12, 2006 1:26 PM
To: alex.glenn@pgnmail.com; Dianne Triplett; James M. Walls; john.burnett@pgnmail.com; Lisa Bennett; Harold Mclean; paul.lewisjr@pgnmail.com; Mike Haff; Andrew Maurey; Bill McNulty; John Slemkewicz; Cheryl Bulecza-Banks; Lee Colson; Pete Lester; Mike Twomey; Schef Wright; John McWhirter
Cc: Lorena Holley; Mary Anne Helton
Subject: Informal Meeting Docket No. 060642, Crystal River 3 Uprate Need Determination

Attached is a Notice of Informal Meeting to be held for issue identification purposes in the above-referenced docket. I anticipate that we will only need an hour to go over the issues. The call in number for the meeting is 850-410-0968 or Suncom 210-0968.

Please feel free to call me if you have any questions.

Lisa Bennett
850-413-6230

12/19/2006

ORIGINAL

Petition for determination of need for)
expansion of Crystal River 3 nuclear)
power plant, for exemption from) Docket No.: 060642-EI
Bid Rule 25-22.082, F.A.C., and for)
cost recovery through fuel clause, by)
Progress Energy Florida) Submitted for filing December 18, 2006

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PREHEARING STATEMENT**

The Florida Industrial Power Users Group (FIPUG) hereby files its Prehearing Statement, on the date specified for prehearing statements in the CASR posted for this Docket:

A. APPEARANCES:

JOHN W. MCWHIRTER, JR., McWhirter, Reeves & Davidson, P.A., 400 North Tampa Street, Suite 2450, Tampa, Florida 33601-3350,

On Behalf of the Florida Industrial Power Users Group.

B. WITNESSES:

None on Need issues, none at this time on cost recovery issues.

C. EXHIBITS:

None at this time. However, FIPUG reserves the right to utilize appropriate exhibits during cross-examination.

D. STATEMENT OF BASIC POSITION:

FIPUG supports the construction of a cost effective Nuclear Plant uprate and exemption from the bid rule because of the unique circumstances of the uprate. FIPUG will take a position in opposition to the proposed cost recovery request that will be separated into a separate docket

E. STATEMENT OF ISSUES AND POSITIONS

ISSUE 1: Should PEF's request for exemption be granted?

FIPUG POSITION: Yes

ISSUE 2 Is there a need for the uprate?

FIPUG POSITION: Yes

ISSUE 3: Is the estimated cost reasonable?

FIPUG POSITION: No Position at this time.

ISSUE 4: Will the uprate provide fuel diversity and reliability?

FIPUG POSITION: Yes as to diversity, no position as to reliability.

ISSUE 5: Is conservation a viable substitute?

FIPUG POSITION: No

ISSUE 6: Is the uprate the most cost effective alternative?

FIPUG POSITION: Yes based upon the presently unrebutted testimony of PEF

ISSUE 7: Should the determination of need be granted?

FIPUG POSITION: Yes, subject to proof of prudent expenditure.

ISSUE 8: Should the Public Service Commission allow uprate capital costs to be recovered through the fuel clause?

FIPUG POSITION: No.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading has been furnished by electronic mail and U.S. Mail the 18th day of December, 2006, to the following:

Lisa Bennett & Lorena Holley Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850	Mike B. Twomey Attorney for AARP P. O. Box 5256 Tallahassee, FL 32314-5256
James M. Walls/Dianne M. Triplett Carlton Fields Law Firm Attorneys for Progress Energy P.O. Box 3239 Tampa, FL 33607-5736	Department of Community Affairs Valerie Hubbard, Director Division of Community Planning 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100
Office of Public Counsel	Department of Environmental Protection Buck Oven/Michael P. Halpin

<p>H. McLean/P. Christensen/J. McGlothlin c/o The Florida Legislature 111 W. Madison St., Room 812 Tallahassee, FL 32399-1400</p>	<p>Siting Coordination Office 2600 Blairstone Road MS 48 Tallahassee, FL 32301</p>
<p>Progress Energy Florida, Inc. Mr. Paul Lewis, Jr. 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740</p>	
<p>Progress Energy Service Company, LLC John T. Burnett/R. Alexander Glenn P.O. Box 14042 Saint Petersburg, FL 33733-4042</p>	<p><i>/s/ John W. McWhirter, Jr.</i></p> <hr/> <p>Florida Bar # 53905 McWhirter, Reeves and Davidson, PA Attorneys for Florida Industrial Power Users Group 400 North Tampa Street, Suite 2450 Tampa, FL 33602 Telephone 813.224.0866 Fax 813.221.1854 jmcwhirter@mac-law.com</p>

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