

Matilda Sanders

From: brett@wildlaw.org  
Sent: Tuesday, December 26, 2006 11:54 AM  
To: Filings@psc.state.fl.us  
Subject: Docket No. 06-0635  
Attachments: RevisedPrehearingStatement-060635.doc

ORIGINAL

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

Brett M. Paben  
1415 Devils Dip  
Tallahassee, FL 32308-5140

850-878-6895  
brett@wildlaw.org

- 1. The docket number and title if filed in an existing docket

06-0635-EU

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.

- 1. The name of the party on whose behalf the document is filed,

John Carl Whitton, Jr.

- 1. The total number of pages in each attached document., and

5 pages

- 1. A brief but complete description of each attached document.

Revised Prehearing Statement

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11743 DEC 26 06

FPSC-COMMISSION CLERK

BEFORE THE STATE OF FLORIDA,  
PUBLIC SERVICE COMMISSION

ORIGINAL

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: December 26, 2006

REVISED PREHEARING STATEMENT OF JOHN CARL WHITTON, JR.

Pursuant to the Order Establishing Procedure in this docket, Order No. PSC-06-0819-PCO-EU, issued October 4, 2006, and following the instruction provided at the Prehearing Conference on December 21, 2006, Intervenor John Carl Whitton, Jr. ("Whitton") hereby files his Revised Prehearing Statement.

a. WITNESSES.

Whitton prefiled testimony by Dian Deevey who will testify that the Applicants have not adequately assessed less costly means of meeting their projected demand, in particular with regards to not adequately evaluating generation of electricity using woody biomass, and that the Applicants have not adequately estimated the compliance costs of future greenhouse gas emission reduction regulations.

b. PREFILED EXHIBITS.

- DD-1 Dian Deevey and David Harlos, Review of the Gainesville Regional Utilities' Proposal for a New Coal-Fired Power Plant (submitted to Alachua County Commission, September 15, 2005).
- DD-2 Alan Hodges and M. Rahmani, *Sustainability of Wood: How Much Do We Have and Where Is It Coming From?* (UF/IFAS Extension Fact Sheet, 2006).
- DD-3 Alan W. Hodges *et al.*, Economic Impacts of the Forest Industry in Florida, 2003 (University of Florida/IFAS, 2005).
- DD-4 Dian Deevey, Woody Biomass Fuel Available to Tallahassee (Presentation to Tallahassee City Commission, September 27, 2006).

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- DD-5 Lucy Johnston *et al.*, *Climate Change and Power: Carbon Dioxide Emissions and Electricity Resource Planning* (Synapse Energy Economics, June 8, 2006).
- DD-6 Edward S. Rubin *et al.*, *Comparative Assessments of Fossil Fuel Power Plants*, Proceedings of 7<sup>th</sup> Int'l Conference on Greenhouse Gas Control Technologies (2004).
- DD-7 Sense of the Senate on Climate Change, H.R. 6 §1612, Energy Policy Act of 2005 (Approved 54-43)

**c. STATEMENT OF BASIC POSITION.**

The Applicants have not submitted sufficient data upon which the Public Service Commission (“PSC” or “Commission”) can determine whether the proposed pulverized coal power plant is needed and the most cost effective alternative available. Because all the Applicants have not adequately considered demand-side management (“DSM”), energy efficiency and conservation, and innovative alternatives such as woody biomass utilization, the Applicants have not adequately attempted to diminish the need for this proposed coal power plant. Given the current volatility in the costs associated with constructing coal power plants and the commodity prices of coal, the undetermined costs of transportation to deliver coal to Taylor County, the reasonably anticipated future carbon costs as well as the direct health and environmental costs of operating a coal power plant, the Commission is unable to determine if this proposal is indeed the most cost effective based on the information submitted by the Applicants. Thus, the Commission should deny this Petition because the need has not been adequately demonstrated.

**d. STATEMENT 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 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 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 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 (Applicants) which might mitigate the need for the proposed TEC generating unit?

**POSITION:** Yes. The total benefits of DSM opportunities have not been adequately evaluated in the analyses conducted by each Applicant.

**ISSUE 5:** Have the Applicants appropriately evaluated the cost of CO2 emission mitigation costs in their economic analyses?

**POSITION:** No. The Applicants have underestimated the cost of carbon dioxide allowances which will be required to operate the proposed pulverized coal power plant.

**ISSUE 6:** Does the proposed TEC generating unit include the costs for the environmental controls necessary to meet current state and federal environmental requirements including mercury (Hg), NO2, SO2 and particulate emissions?

**POSITION:** No.

**ISSUE 7:** Have the Applicants requested available funding from DOE to construct an IGCC unit or other cleaner coal technology?

**POSITION:** No. DOE has not received any formal requests for funding from the Applicants to construct a coal power plant utilizing IGCC technology.

**ISSUE 8:** Has each Applicant secured final approval of its respective governing body for the construction of the proposed TEC generating unit?

**POSITION:** No. Each Applicant has the contractual right to withdraw from the TEC once all permitting has been secured necessary to construct the TEC generating unit and the final construction costs are known.

**ISSUE 9:** 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 10:** Based on the resolution of the foregoing issues, should the Commission grant the Applicants' petition to determine the need for the proposed TEC generating unit?

**POSITION:** No.

**ISSUE 11:** 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.

**e. ISSUES TO WHICH THE PARTIES HAVE STIPULATED;**

Whitton has not stipulated to any issues at this time.

**f. PENDING MOTIONS OR OTHER MATTERS.**

Whitton does not have any pending motions or other matters at this time.

**g. PENDING CONFIDENTIALITY REQUESTS OR CLAIMS.**

Whitton does not have any pending requests or claims for confidentiality at this time.

**h. OBJECTIONS TO A WITNESS' QUALIFICATIONS AS AN EXPERT.**

Whitton does not object to any witness' qualifications as an expert at this time.

**i. COMPLIANCE WITH ORDER NO. PSC-06-0819-PCO-EU.**

Whitton has complied with all requirements set forth

Dated this 26<sup>th</sup> day of December, 2006.

Respectfully submitted,

s/ Brett M. Paben  
Jeanne Zokovitch Paben  
Florida Bar No. 0418536  
Brett M. Paben  
Florida Bar No. 0416045  
WildLaw  
1415 Devils Dip  
Tallahassee, FL 32308-5140  
Telephone: 850-878-6895  
E-mail: [jeanne@wildlaw.org](mailto:jeanne@wildlaw.org), [brett@wildlaw.org](mailto:brett@wildlaw.org)

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been furnished via e-mail on this 26<sup>th</sup> day of December, 2006, to the following:

Gary V. Perko  
Carolyn S. Raepple  
Hopping Law Firm  
P.O. Box 6526  
Tallahassee, FL 32314  
[GPerko@hgslaw.com](mailto:GPerko@hgslaw.com)  
[CRaepple@ggslaw.com](mailto:CRaepple@ggslaw.com)

Brian P. Armstrong, Esq.  
7025 Lake Basin Road  
Tallahassee, FL 32312  
[barmstrong@ngn-tally.com](mailto:barmstrong@ngn-tally.com)

E. Leon Jacobs, Jr.  
Williams Law Firm  
P.O. Box 1101  
Tallahassee, FL 32302-1101  
[ljacobs50@comcast.net](mailto:ljacobs50@comcast.net)

Patrice L. Simms  
National Resources Defense Council  
1200 New York Ave., NW, Suite 400  
Washington, DC 20005  
[psimms@nrdc.org](mailto:psimms@nrdc.org)

Suzanne Brownless  
Suzanne Brownless, P.A.  
1975 Buford Boulevard  
Tallahassee, FL 32308  
[sbrownless@comcast.net](mailto:sbrownless@comcast.net)

Jennifer Brubaker, Esq.  
Katherine Fleming, Esq.  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[JBrubake@psc.state.fl.us](mailto:JBrubake@psc.state.fl.us)  
[KEFlemin@psc.state.fl.us](mailto:KEFlemin@psc.state.fl.us)

Respectfully submitted,

s/ Brett M. Paben  
Brett M. Paben  
Florida Bar No. 0416045