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January 8, 2008

Director, Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 070650-EI
JEA's Petition to Intervene

To whom it may concern:

Enclosed for filing are an original and seven (7) copies of JEA's Petition to Intervene in the above referenced matter. If there are any questions, please do not hesitate to call me.

Cordially,

Bruce Page
Assistant General Counsel

- CMP _____
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- RCA _____
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DOCUMENT NUMBER - DATE
00231 JAN -9 88
FPSC-COMMISSION CLERK

2008-01-08 10:00

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Turkey
Point Nuclear Units 6 and 7 electrical power
plant, by Florida Power & Light Company.

DOCKET NO. 070650-EI

FILED: January 8, 2008

JEA's
PETITION TO INTERVENE

Pursuant to Chapter 120, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, JEA, through its undersigned counsel, files this Petition to Intervene and states as follows:

1. The name and address of the affected agency is:

The Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. The name and address of the Petitioner is:

JEA
21 West Church Street
Jacksonville, FL 32202
T: 904-665-6208
F: 904-665-7950

3. Copies of all pleadings, notices, and orders in this docket should be provided to:

James A. Dickenson
JEA
21 West Church Street
Jacksonville, FL 32202
DickJA@jea.com

P. G. Para
JEA
21 West Church Street
Jacksonville, FL 32203
ParaPG@jea.com

4. JEA is a public agency and statutory commission existing under the laws of the State of Florida. JEA is responsible for electric generation, transmission and distribution services to its customers within Duval, Clay and St. Johns Counties, Florida. JEA received notice of the Commission's proposed action in this proceeding on October 22, 2007, through the

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FPSC-COMMISSION CLERK

Commission's posting of its Notice of Commencement of Proceeding for Determination of Need for Proposed Electrical Power Plant.

5. Statement of Affected Interests. JEA's interests will be affected by the Commission's determination in this proceeding. The Commission will decide in this docket whether it should approve Florida Power and Light Company's ("FPL's") petition for a determination of need for proposed nuclear power plants in Dade County, Florida. JEA generally supports FPL's need petition. However, FPL is required by statute and Commission rule to hold discussions with other electric utilities, and to include in its petition a summary of those discussions regarding the other electric utilities' ownership interest in the proposed nuclear plants. JEA is a public agency electric utility in need of nuclear base load generation resources. JEA has been actively seeking minority ownership interest in nuclear base load facilities throughout Florida, specifically the proposed FPL nuclear power plants subject to the Commission's determination in this proceeding. Therefore, JEA's substantial interests will be affected by this proceeding.

6. Statement of Disputed Issues of Material Fact. In its petition, FPL states, FPL has held preliminary discussions regarding the potential for ownership participation with several Florida utilities that have expressed interest. As FPL proceeds through the licensing phase and begins dedicated commercial negotiations with the selected vendor, opportunities for partnership with Florida utilities will continue to be explored.

In re Petition to determine need for Turkey Point Nuclear Units 6 and 7 electrical power plant, by Florida Power & Light Company, Docket No 070650-EI, Petition, at 37 (F.P.S.C., Oct. 16, 2007).

At issue is whether FPL has held adequate and meaningful discussions with JEA regarding an ownership interest in the proposed nuclear power plants.

7. Statement of Ultimate Facts. Before certifying the need for the FPL plants, the Commission must ensure that FPL has presented sufficient facts to demonstrate that the required discussions with JEA have taken place regarding ownership interest in the proposed nuclear power plants. FPL's petition does not include a demonstration of such discussions.

8. Statutes and Rules that Require the Relief Requested by JEA. Statutes and rules that require the relief requested by JEA include, but are not limited to, Section 403.519, Florida Statutes, and Rules 25-22.081, 25-22.039, and 28-106.205, Florida Administrative Code.

9. Statement Explaining How the Alleged Facts Relate to the Specific Statutes or Rules Cited Above. Section 403.519, Florida Statutes, and Rule 25-22.081, F.A.C., respectively require an applicant seeking a determination of need for a nuclear power plant to include in its petition any information regarding discussions with other electric utilities and a summary of the discussions had with other electric utilities regarding ownership interests in a portion of the nuclear power plant. Rules 25-22.039 and 28-106.205 provide that persons whose substantial interests are subject to determination in, or may be affected through, an agency proceeding are entitled to intervene in such proceeding.

JEA has an increasing need for non-greenhouse gas emitting base load nuclear generation in Florida. This need has been recognized by the Florida Legislature in its most recent amendments to Section 403.519, Florida Statutes, which now require applicants such as FPL to address, in the need petition, participation opportunities discussed with other electric utilities. By requiring applicants to include this information in their petitions, the Legislature has designed the need determination proceeding to, among other things, ensure that other electric utilities are afforded the opportunity to discuss ownership interest in a proposed nuclear power plant. Any other interpretation of this requirement would render the Legislature's recent addition to the

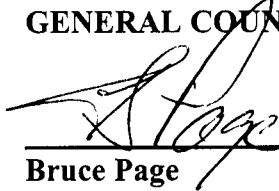
statute meaningless. Therefore, the Commission must ensure that meaningful discussions with other electric utilities have in fact occurred before making an affirmative determination of need. JEA must be permitted to intervene and participate in this docket in order to protect its interests in this regard.

Accordingly, JEA's substantial interests are subject to determination in and will be affected by the Commission's decision, and JEA is entitled to intervene in this docket.

WHEREFORE, JEA requests that the Commission enter an order granting its petition to intervene and further requests the parties to provide the undersigned with all papers filed in this docket.

Respectfully submitted, this 8th day of January, 2008.

RICHARD A. MULLANEY
GENERAL COUNSEL



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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Petition to Intervene has been furnished by electronic mail and/or U.S. Mail this 8th day of January, 2008 to the following:

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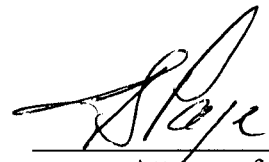
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