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Subject: RE: Docket No. 070650
Attachments: Post Hearing Statement of Issues and Positions 02.15.08.doc

In accordance with the electronic filing procedures of the Florida Public Service Commission, Seminole Electric Cooperative, Inc. makes the following filing.

- a. The name, address, telephone number and email of the person responsible for the filing is:
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- b. This filing is made in Docket No. 070650-EI, In re: Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant, by Florida Power & Light Company
- c. The document is filed on behalf of Seminole Electric Cooperative, Inc.
- d. The total number of pages in the document is 6.
- e. The attached document is Seminole's Post-Hearing Statement of Issues and Positions.

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2/15/2008

DOCUMENT NUMBER-DATE

01189 FEB 15 08

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,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: February 15, 2008

**POST-HEARING STATEMENT OF
ISSUES AND POSITIONS**

Seminole Electric Cooperative, Inc. (Seminole), pursuant to Order No. PSC-07-0869-PCO-EI, files its Post-Hearing Statement of Issues and Positions.

ISSUE 1: Is there a need for the proposed generating units, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes?

SEMINOLE: *Yes.*

ISSUE 2: Is there a need for the proposed generating units, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes?

SEMINOLE: *Yes.*

ISSUE 3: Is there a need for the proposed generating units, taking into account the need for base-load generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes?

SEMINOLE: *Yes.*

ISSUE 4: Is there a need for the proposed generating units, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes?

SEMINOLE: *Yes.*

ISSUE 5: Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?

SEMINOLE: *No. Seminole is not aware of any such sources, technologies or measures at this time.*

ISSUE 6: Will the proposed generating units provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes?

SEMINOLE: *Yes.*

ISSUE 7: Does Florida Power & Light Company's nuclear power plant petition contain a summary of any discussions with other electric utilities regarding ownership of a portion of the plant by such electric utilities, consistent with the requirements of 403.519(4)(a)5, F.S., and Rule 25-22.081, F.A.C.?

SEMINOLE: *This issue was stipulated to by Florida Power & Light, Seminole, and the other electric utilities. The stipulation was voted on and approved unanimously by the Commission at hearing and should be included in the Final Order in this matter.*

Discussion of Issue 7

At the beginning of the hearing in this matter, Florida Power & Light, Seminole, and the other electric utilities entered into a stipulation as to this issue, which was approved by the Commission. (Hearing Transcript at pgs. 47-48). The stipulation agreed to by the enumerated parties and approved by the Commission states:

Yes. FPL has had initial discussions with FMEA, FMPA, and OUC regarding any mutual benefits that may accrue from joint participation in Turkey Point Units 6 & 7. No later than July 1, 2009, FPL will continue its good faith discussions with FMEA, FMPA and OUC, and will also commence good faith discussions of joint participation in Turkey Point Units 6 & 7 with JEA and Seminole. FPL will report on the status of such ongoing status discussions to the FPSC every quarter thereafter. The results of these ongoing status discussion shall be reported to the FPSC as part of a docket which will be opened by the FPSC pursuant to its authority under the Grid Bill as codified in the Florida Statutes, in order to provide the parties with such rights and remedies as may exist to the extent of the FPSC's jurisdiction thereunder. FPL, FMPA, FMEA, JEA, OUC and Seminole each agree that such docket to be opened by the Commission pursuant to its Grid Bill authority is the sole forum for raising issues concerning joint participation in Turkey Point 6 & 7. FMPA, FMEA, JEA, OUC and Seminole each agree not to intervene or otherwise participate directly or indirectly in section 366.93, Florida Statutes, cost recovery proceedings for the

purpose of addressing joint participation in Turkey Point 6 & 7. Nothing in this stipulation is intended to imply that ongoing status discussions necessarily will lead to an agreement among any of the parties for joint participation in Turkey Point 6 & 7 or that any party is obligated to enter into any such agreement.

Seminole respectfully requests that such agreement and its approval by the Commission be included in the Final Order issued in this matter.

ISSUE 8: Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light Company's petition to determine the need for the proposed generating units?

SEMINOLE: *Yes.*

ISSUE 9: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, should FPL commit, prior to the completion of the Rule 25-6.0423 cost recovery proceeding in 2008 (the "2008 NPPCR Proceeding"), to make advance forging reservation payments of approximately \$16 million to Japan Steel Works in order to preserve the potential for 2018-2020 in-service dates for the proposed generating units?

SEMINOLE: *Yes.*

ISSUE 10: Should this docket be closed?

SEMINOLE: *Yes.*

s/ Vicki Gordon Kaufman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Post-Hearing Statement of Issues and Positions was furnished by electronic mail and U.S. Mail this 15th day of February, 2008 to:

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