

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination of Need)
for Citrus County Combined Cycle Power Plant) Docket No. 140110-EI
_____)

**EFS SHADY HILLS, LLC'S POST-HEARING
STATEMENT OF ISSUES AND POSITIONS**

EFS Shady Hills, LLC ("Shady Hills"), files this Post-Hearing Statement of Issues and Positions in Docket No. 140110-EI, and states:

STATEMENT OF BASIC POSITION

The Florida PSC should not grant Duke Energy Florida's ("DEF's") request for a determination of need for the proposed 1,640 MW Citrus County combined cycle plant ("Citrus CC") because DEF has not adequately demonstrated that it needs 1,640 MW in 2018, nor that the Citrus CC offers the most cost-effective solution to meeting its need for electric system reliability and integrity when directly compared with available options offered through DEF's Request for Proposal ("RFP") process, including a long-term contract with a smaller but highly efficient and versatile combined-cycle unit built by a third party like Shady Hills that could provide more flexibility for meeting DEF's future needs.

POSITIONS ON ISSUES

ISSUE 1: Is the proposed Citrus County combined cycle plant needed, taking into account the need for electric system reliability and integrity?

POSITION: No. DEF has not demonstrated it has a need for 1,640 MW in 2018 to maintain electric system reliability and integrity.

ISSUE 2: Is the proposed Citrus County combined cycle plant needed, taking into account the need for adequate electricity at a reasonable cost?

POSITION: No. DEF did not fully evaluate alternatives that would defer the need for the Citrus CC by continued operation of its existing generating units through 2020, in conjunction with RFP bidder proposals.

ISSUE 3: Is the proposed Citrus County combined cycle plant needed, taking into account the need for fuel diversity and supply reliability?

POSITION: No. An RFP choice of a smaller unit, together with deferral of Crystal River Unit 1 and 2 retirements, would better enhance fuel diversity and allow reliability needs to be met while providing additional opportunities to procure non-natural gas resources.

ISSUE 4: Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Duke Energy Florida that might mitigate the need for the proposed Citrus County combined cycle plant?

POSITION: No position.

ISSUE 5: Is the proposed Citrus County combined cycle plant the most cost-effective alternative available to meet the needs of Duke Energy Florida and its customers?

POSITION: No. DEF has not demonstrated the cost-effectiveness of the Citrus CC relative to contracting for the power of a smaller unit, only, without deeming the full capacity of the Citrus CC to nonetheless be added.

ISSUE 6: Did Duke Energy Florida reasonably evaluate all alternative scenarios for cost effectively meeting the needs of its customers over the relevant planning horizon?

POSITION: No. DEF did not evaluate scenarios that considered continued operation of Crystal River Units 1 and 2 through 2020. DEF also failed to evaluate deferral of part or all of the Citrus CC in conjunction with RFP bidder proposals.

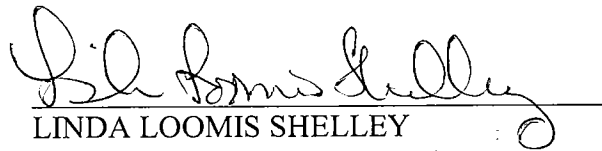
ISSUE 7: Based on the resolution of the foregoing issues, should the Commission grant the requested determination of need for the proposed Citrus County combined cycle plant?

POSITION: No. DEF has not reasonably demonstrated either its need for the Citrus CC, nor its cost-effectiveness.

ISSUE 8: Should this docket be closed?

POSITION: Yes.

DATED this 10th day of September, 2014.



LINDA LOOMIS SHELLEY
Buchanan Ingersoll & Rooney /
Fowler White Boggs PA
101 N. Monroe Street, Suite 1090
Tallahassee, FL 32301
Telephone: 850-681-4260
linda.shelley@bipc.com

John F. Povilaitis
Alan M. Seltzer
Buchanan, Ingersoll & Rooney, P.C.
409 Second Street, Suite 500
Harrisburg, PA 17101-1357
Telephone: 717-237-4800
john.povilaitis@bipc.com
alan.seltzer@bipc.com

Counsel for EFS Shady Hills LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following by electronic mail this 10th day of September, 2014:

J. Michael Walls
Blaise N. Gamba
Carlton Law Firm
4221 W. Boy Scout Blvd. Suite 1000
Tampa, FL 33607-5780
mwalls@CFJBlaw.com
bgamba@CFJBLaw.com
Attorneys for Duke Energy, Inc.

Matthew R. Bernier
Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301
Matthew.bernier@duke-energy.com
Paul.Lewisjr@duke-energy.com
Attorneys for Duke Energy, Inc.

Robert Scheffel Wright
John T. LaVia, III
Gardner, Bist, Wiener, Wadsworth,
Bowden, Bush, Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
schef@gbwlegal.com
jlavia@gbwlegal.com
*Attorneys for Calpine Construction Finance
Company, LP*

Jon C. Moyle, Jr.
Karen A. Putnal
Moyle Law Firm, P.A.
1 18 North Gadsden Street
Tallahassee, Florida 32301
jmoyle@moylelaw.com
kputnal@moylelaw.com
*Attorneys for Florida Industrial Power
Users Group*

Marsha E. Rule
Rutledge Ecenia, P.A.
119 South Monroe Street, Suite 202
Tallahassee, Florida 32301
marsha@rutledge-ecenia.com
Attorneys for NRG Florida, LP

Richard A. Zambo
Fla. Bar No. 312525
Richard A. Zambo, P.A.
2336 S.E. Ocean Boulevard, #309
Stuart, Florida 34966
richzambo@aol.com
Attorneys for NRG Florida, LP

Gordon D. Polozola
General Counsel – South Central Region
NRG Energy, Inc.
112 Telly Street
New Roads, LA 70760
Gordon.Polozola@nrgenergy.com

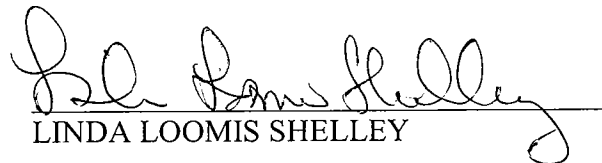
John T. Burnett
Dianne M. Triplett
Duke Energy
P. O. Box 14042
St. Petersburg, FL 33733
John.burnett@duke-energy.com
Dianne.triplett@duke-energy.com

J.R. Kelly
Charles J. Rehwinkel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us

Michael Lawson
Florida Public Service Commission Office
of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399
mlawson@psc.state.fl.us

George Cavros
George Cavros, P.A.
120 E. Oakland Park Blvd.
Suite 105
Fort Lauderdale, FL 33334
george@cavros-law.com
Attorney for Southern Alliance for Clean Energy

James W. Brew
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
Eighth Floor
West Tower
Washington, DC 20007-5201
jbrew@bbrslaw.com
*Attorney for White Springs Agricultural
Chemicals, Inc. d/b/a PSC Phosphate-White
Springs*


LINDA LOOMIS SHELLEY