

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for
Sweatt-Whidden 230 kV transmission line in
Okeechobee, DeSoto, Highlands, and Glades
Counties, by Florida Power & Light Company.

DOCKET NO. 20220045-EI
ORDER NO. PSC-2022-0177-PHO-EI
ISSUED: May 6, 2022

PREHEARING ORDER

Pursuant to Notice and in accordance with Rule 28-106.209, Florida Administrative Code (F.A.C.), a Prehearing Conference was held on May 5, 2022, in Tallahassee, Florida, before Commissioner La Rosa, as Prehearing Officer.

APPEARANCES:

WILLIAM P. COX, ESQUIRE, 700 Universe Boulevard, Juno Beach, Florida
33408-0420

On behalf of Florida Power & Light Company.

ASHLEY J. WEISENFELD and MATTHEW JONES, ESQUIRES, Florida
Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida
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On behalf of the Florida Public Service Commission (Staff).

MARY ANNE HELTON, ESQUIRE, Deputy General Counsel, Florida Public
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Advisor to the Florida Public Service Commission.

KEITH C. HETRICK, ESQUIRE, General Counsel, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Florida Public Service Commission General Counsel.

I. CASE BACKGROUND

On March 2, 2022, pursuant to Section 403.537, Florida Statutes (F.S.), Chapter 120, F.S., and Rules 25-22.075, 25-22.076, and 28-106.201, F.A.C., Florida Power & Light Company (FPL or Utility) filed its Notice of Intent to File Petition for Determination of Need for Electrical Transmission Line. FPL filed its Petition for Transmission Line Need Determination for the Sweatt-Whidden 230 kV Transmission Line on April 1, 2022.

In this docket, the Florida Public Service Commission (Commission) will make that need determination. This matter has been scheduled for a formal administrative hearing to be held on May 16, 2022. Separate public hearings will be held before an Administrative Law Judge of the

Division of Administrative Hearings to consider environmental and other impacts of the Sweatt-Whidden 230 kV transmission line, as required by the Florida Electric Transmission Line Siting Act, Sections 403.52-403.5365, F.S.

II. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, F.A.C., this Prehearing Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of this case.

III. JURISDICTION

This Commission is vested with jurisdiction over the subject matter by Section 403.537, F.S. This hearing will be governed by said statute, Chapter 120, F.S., and Chapters 25-6, 25-22, 28-106, and 28-109, F.A.C., as well as any other applicable provisions of law.

IV. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

Information for which proprietary confidential business information status is requested pursuant to Section 366.093, F.S., and Rule 25-22.006, F.A.C., shall be treated by the Commission as confidential. The information shall be exempt from Section 119.07(1), F.S., pending a formal ruling on such request by the Commission or pending return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been made a part of the evidentiary record in this proceeding, it shall be returned to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of this proceeding, it shall be returned to the person providing the information within the time period set forth in Section 366.093, F.S. The Commission may determine that continued possession of the information is necessary for the Commission to conduct its business.

It is the policy of this Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, F.S., to protect proprietary confidential business information from disclosure outside the proceeding. Therefore, any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, F.S., at the hearing shall adhere to the following:

- (1) When confidential information is used in the hearing that has not been filed as prefiled testimony or prefiled exhibits, parties must have copies for the Commissioners, necessary staff, and the court reporter, in red envelopes clearly marked with the nature of the contents and with the confidential information highlighted. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same

fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

- (2) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise confidentiality. Therefore, confidential information should be presented by written exhibit when reasonably possible.

At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the court reporter shall be retained in the Office of Commission Clerk's confidential files. If such material is admitted into the evidentiary record at hearing and is not otherwise subject to a request for confidential classification filed with the Commission, the source of the information must file a request for confidential classification of the information within 21 days of the conclusion of the hearing, as set forth in Rule 25-22.006(8)(b), F.A.C., if continued confidentiality of the information is to be maintained.

V. PREFILED TESTIMONY AND EXHIBITS; WITNESSES

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled and will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to timely and appropriate objections. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Summaries of testimony shall be limited to three minutes.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer. After all parties and Staff have had the opportunity to cross-examine the witness, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

The Commission frequently administers the testimonial oath to more than one witness at a time. Therefore, when a witness takes the stand to testify, the attorney calling the witness is directed to ask the witness to affirm whether he or she has been sworn.

The parties shall avoid duplicative or repetitious cross-examination. Further, friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Any party conducting what appears to be a friendly cross-examination of a witness should be prepared to indicate why that witness's direct testimony is adverse to its interests.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
Francisco Prieto	FPL	1 - 4

VII. BASIC POSITIONS

FPL: FPL has petitioned the Commission for an affirmative determination of need for the construction and operation of an electrical transmission line, the Sweatt-Whidden 230 kV Project (“SWP”). The SWP will maximize system reliability, increase power transfer capability, and meet local area load requirements by (1) improving reliability for FPL customers served from the existing 69kV circuit between Okeechobee and Whidden substations; (2) increasing the east to west power transfer capabilities of the transmission network by providing a resilient, hardened 230kV circuit between the east and west areas of FPL’s territory north of Lake Okeechobee; (3) relieving potential overloads and low voltage conditions under contingency events; and (4) reducing line loading on existing transmission circuits. The SWP will consist of a new 230kV transmission line extending from FPL’s Sweatt substation in Okeechobee County to FPL’s Whidden substation in DeSoto County. It includes the construction of approximately 21 miles of a new single circuit 230 kV transmission line in Okeechobee County and the conversion of approximately 59 miles of 69kV transmission line to 230kV transmission lines in Okeechobee, Highlands, and DeSoto Counties (subject to final certification under the Florida Transmission Line Siting Act or “TLSA”). It will also include the rebuild/conversion from 69kV to 230kV of two FPL and two Glades Electric Cooperative, Inc. substations.

The need for the SWP is based on the following considerations:

- The need to improve reliability for FPL customers served from the existing 69kV circuit between Okeechobee and Whidden substations;
- The need to provide an additional transmission path to increase east to west power transfer capabilities; and
- The need to mitigate potential overloads and low voltage conditions under contingency events.

Over the past six years (2015-2021), the FPL West Region has reported winter peak loads between 4000 MW and 5400 MW. FPL is forecasting that by 2031, the winter load in the West Region, an area that includes Collier, Lee, Hendry, Charlotte, Glades, Sarasota, DeSoto and Manatee Counties, will be approximately 5800 MW. Transmission assessment studies conducted by FPL in 2021 have

identified potential system limitations that will require reliability improvements for Okeechobee, Highlands, DeSoto, Collier, Lee, Sarasota, and Manatee Counties. The studies also identified that by 2025, the load to generation imbalance in the West Region continues to grow, and the system would benefit from an increase in transfer capability into the area.

FPL evaluated multiple transmission alternatives for meeting this identified need, which resulted in the selection of the SWP. The SWP presents the best alternative, taking into account the demand for electricity, enhancing electric system reliability and integrity, and addressing the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of this state. Furthermore, the project meets area load requirements by serving potential future industrial, commercial and residential load, while maximizing system reliability and minimizing cost to customers.

In summary, the SWP presents the best alternative for satisfying the need for a reliable and cost-effective supply of power to FPL's existing and future customers within Okeechobee, DeSoto, Glades, and Highlands Counties. FPL's petition, prefiled testimony, and exhibits demonstrate the need for SWP in the proposed time frame as the most cost-effective alternative available, taking into account the demand for electricity, the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state, the location of the project (starting and ending points of the line), and other relevant matters pursuant to Section 403.537(1)(c), Florida Statutes (2021).

For these reasons, and those set forth more fully in FPL's Petition and prefiled testimony and exhibits, FPL satisfies the statutory elements for granting an affirmative determination of need for SWP pursuant to Section 403.537, Florida Statutes.

STAFF: Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

VIII. ISSUES AND POSITIONS

See Section X Proposed Stipulations.

IX. EXHIBIT LIST

Witness	Proffered By	Exhibit No.	Description	Issue #
None	FPL	None	Notices of Final Hearing and Affidavits of Publication	1 - 4
Francisco Prieto	FPL	None	Exhibit "A" to the Petition to Determine Need for the Sweatt-Whidden 230 kV transmission line in Okeechobee, DeSoto, Highlands, and Glades Counties	1 - 4
Francisco Prieto	FPL	FP-1	FPL Electric Facilities Map (FPL General Map)	1 - 4
Francisco Prieto	FPL	FP-2	Map of Study Area with Existing Facilities and SWP	1 - 4
Francisco Prieto	FPL	FP-3	Sweatt-Whidden Expected Construction Schedule	1 - 4
Francisco Prieto	FPL	FP-4	List of Contingencies	1 - 4

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

X. PROPOSED STIPULATIONS

FPL and staff have proposed stipulations on the issues set out below.

ISSUE 1: Is there a need for Florida Power & Light Company's proposed Sweatt-Whidden 230 kV transmission line, taking into account the need for electric

system reliability and integrity, as prescribed in Section 403.537, Florida Statutes?

Yes. The record in this case demonstrates that if FPL does not add or improve transmission capacity in the projected service area by December 2025, then sufficient transmission capacity would not be available to prevent overloads of the thermal line rating for certain existing lines under certain contingencies.

FPL has demonstrated a need for the proposed Sweatt-Whidden 230 kV transmission line project, taking into account the need for electric system reliability and integrity. This transmission line is needed to: (a) improve the reliability for FPL customers served from the existing radial 69kV circuit between Okeechobee and Whidden substations; (b) increase the east to west power transfer capabilities of the transmission network of FPL's territory north of Lake Okeechobee; (c) relieve potential overloads and low voltage conditions under contingency events; and (d) reduce line loading on existing transmission circuits. Therefore, the proposed Sweatt-Whidden 230kV transmission line project should maintain and improve the reliability and power transfer capability to FPL's customers in the area.

ISSUE 2: Is there a need for Florida Power & Light Company's proposed Sweatt-Whidden 230 kV transmission line, taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the State, as prescribed in Section 403.537, Florida Statutes?

Yes. FPL has demonstrated a need for the proposed Sweatt-Whidden 230 kV transmission line project, taking into account the need for abundant, low cost electrical energy to assure the economic well-being of the citizens of the state. The record in this case demonstrates that the proposed Sweatt-Whidden 230 kV transmission line project is the most cost-effective and efficient means to improve reliability for customers served from FPL's existing 69kV circuit between Okeechobee and Whidden substations, provide a transmission route to increase east to west power transfer capability, mitigate potential overloads and low voltage conditions under contingency events, and reduce line loading on existing transmission circuits.

The estimated cost of the proposed Sweatt-Whidden 230kV transmission line project is \$213.5 million. Approximately 75% of the new transmission line will be located within an existing 69kV transmission line right-of-way. While the final cost is subject to the final route and other conditions that could be imposed through the Transmission Line Siting Act process, the estimated cost appears reasonable.

FPL evaluated two transmission alternatives to the proposed project. Both involved the construction of new 230 kV transmission lines connecting to the

Whidden substation, starting from the Ft. Drum substation in Indian River county for Alternative I, and the Martin substation in Martin County for Alternative II. Both had higher estimated construction costs on a nominal and cumulative present worth revenue requirement basis and did not improve reliability in the project service area to the same degree as the proposed Sweatt-Whidden 230 kV transmission line project.

ISSUE 3: Are Florida Power & Light Company's Sweatt Substation in Okeechobee County and its Whidden Substation in DeSoto County the appropriate starting and ending points for the proposed Sweatt-Whidden 230 kV transmission line?

Yes. A new transmission line sited west from FPL's existing Sweatt Substation in Okeechobee County to FPL's exiting Whidden Substation in DeSoto County would be the most reliable, cost-effective means to serve the projected load and demand growth within Okeechobee, DeSoto, Glades, and Highlands Counties and all of the counties in FPL's West Region. The record demonstrates that the appropriate starting and ending points are the Sweatt Substation and the Whidden Substation, respectively. The Department of Environmental Protection and ultimately the Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission line.

ISSUE 4: Should the Commission grant Florida Power & Light Company's petition for determination of need for the proposed Sweatt-Whidden 230 kV transmission line project?

Yes. FPL has demonstrated a need for the Sweatt-Whidden 230 kV transmission line project starting in December 2025, taking into account the need for electric system reliability and integrity and the need for abundant, low-cost electrical energy to assure the economic well-being of the residents of this state. The appropriate starting and ending points of the line are the existing Sweatt Substation in Okeechobee County and FPL's existing Whidden Substation in DeSoto County, respectively. The Department of Environmental Protection and ultimately the Transmission Line Siting Board will make the final determination concerning the length and route of the proposed transmission line.

ISSUE 5: Should this docket be closed?

Yes. This docket should be closed after the time for filing an appeal has run.

FPL and staff also propose that the Comprehensive Exhibit List and all exhibits be included in the record.

XI. PENDING MOTIONS

There are no pending motions at this time.

XII. PENDING CONFIDENTIALITY MATTERS

There are no pending confidentiality matters at this time.

XIII. POST-HEARING PROCEDURES

If no bench decision is made, each party shall file a post-hearing statement of issues and positions. A summary of each position, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of this Prehearing Order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. If a party fails to file a post-hearing statement, that party shall have waived all issues and may be dismissed from the proceeding.

Pursuant to Rule 28-106.215, F.A.C., a party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 20 pages and shall be filed at the same time.

XIV. RULINGS

Opening statements, if any, shall not exceed five minutes per party.

Witness summary of testimony shall not exceed three minutes.

It is therefore,

ORDERED by Commissioner Mike La Rosa, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Mike La Rosa, as Prehearing Officer, this. 6th day of May, 2022.



Mike La Rosa
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AJW/MJJ

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.