

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa Electric Company)
for Approval of Cost Recovery for a New) Docket No. 980693 EI
Environmental Program, the Big Bend Units)
1 and 2 Flue Gas Desulfurization System) Filed: August 14, 1998
)

LEGAL ENVIRONMENTAL ASSISTANCE FOUNDATION, INC.
PETITION FOR LEAVE TO INTERVENE

Petitioner, Legal Environmental Assistance Foundation, Inc.
(LEAF), requests leave to intervene as a full party in the above
docket and states:

1. The name and address of the person who should receive
notices, pleadings, orders and correspondence is as follows:

Gail Kamaras
Legal Environmental Assistance Foundation
1114 Thomasville Road, Suite E
Tallahassee, FL 32303

2. How Tampa Electric Company (Tampa) treats sulfur dioxide
emissions will substantially influence both the amount of air
pollution emitted in Tampa's service territory and the continued
cost-effectiveness and lifespan of Big Bend units 1 and 2.

3. LEAF is a public interest advocacy organization with
substantial interests that will be affected by Commission action in
this docket. The corporate purposes of LEAF include ensuring
environmental and health benefits for its members and the public.
A substantial number of LEAF's members use and enjoy natural

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resources whose quality is at risk from pollution from electric generation facilities, including from the Big Bend power plant and are Tampa customers.

4. Petitioner disputes the fairness, justness and reasonableness of Tampa's compliance plan, recovery request and the timing of its request in that the cumulative cost effectiveness and environmental effectiveness of its proposal has not been demonstrated for reasons that include:

a. Tampa has not timely filed a petition for pre-construction prudency approval of its Clean Air Act compliance plan pursuant to section 366.825, Florida Statutes as required.

b. Big Bend is among the most polluting power plants in the state and, while LEAF generally supports use of flue gas desulfurization (FGD) equipment as the best available control technology for sulfur dioxide removal, it questions the validity and sufficiency of Tampa's compliance plan, including the cumulative cost and environmental effectiveness of continuing to operate Big Bend 1 and 2 versus other alternatives.

c. The addition of an FGD may provide an incentive to operate Big Bend 1 and 2 for a longer period (the units are 25 and 28 yearly old respectively), thereby allowing higher levels of air pollutants and increasing maintenance costs as those units

age further;

d. While Tampa is reducing SO₂ emissions from Big Bend 1 and 2, its plan to revert to purchase of higher sulfur coal will allow it to purchase up to 20,000 SO₂ emission allowances. It is not clear that the cost savings from switching from low to high sulfur coal will be more than the cost of allowances;

e. Tampa has not included all probable environmental compliance costs in its alternatives analysis. For example, Tampa will be required to comply with federal and state regulations imposing stricter limits on nitrogen oxide (NO_x) emissions and fine particulate emissions (PM 2.5) in the next several years. The cumulative cost of continuing to operate Big Bend 1 and 2 with all newly required environmental controls or under operational restrictions and additional maintenance costs has not been properly compared with the cost of alternatives; and

f. Tampa has not shown that its natural gas alternative is the most cost-effective alternative.;


g. Tampa's alternatives do not adequately consider additional energy efficiency measures or clean renewable technologies that could cost effectively reduce or offset its SO₂ emissions.

Petitioner is entitled to relief under Chapters 120, 366 and 403,

Fla. Stat., and implementing regulations. Petitioner reserves the right to rely on additional statutes or rules should additional issues arise or become known.

WHEREFORE, Petitioner requests permission to intervene in this docket and be granted full rights to participate in all proceedings therein.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Legal Environmental Assistance Foundation, Inc. (LEAF) Petition for Leave to Intervene has been furnished by hand delivery (*) or by U.S. Mail to the following parties of record on August 14, 1998:

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