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# SYSTEM COUNCIL U-4 IBEW

REPRESENTING LOCAL UNIONS: 359, 622, 627, 641, 759, 820, 1042, 1066, 1191, 1263, 1908

Phone: (561) 624-2700 Fax: (561) 624-5072 • 3944 Florida Blvd., Palm Beach Gardens, FL 33410

October 4, 1998

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
4075 Esplanade Way, Rm. 110  
Tallahassee, Fl. 32399

**RE: DOCKET NO. 981042-EU**

Dear Ms. Bayo:

Enclosed for filing please find an original and fifteen (15) copies of System Council U-4, IBEW's Petition for Leave to Intervene in the above referenced docket.

Regards,

Terry L. Kammer, COPE Director  
System Council U-4, IBEW

cc: All Parties of Record

- ACK \_\_\_\_\_
- AFA 2
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG Futrell
- LEG 2
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

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## **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

IN RE: Joint Petition for Determination )  
of Need for an Electrical Power Plant in ) DOCKET NO. 981042-EU  
Volusia County by the Utilities ) Date October 4, 1998  
Commission, City of New Smyrna Beach, )  
Florida, and Duke Energy New Smyrna )  
Beach Power Company Ltd., L.L.P. )

### **SYSTEM COUNCIL U-4, IBEW PETITION FOR LEAVE TO INTERVENE**

System Council U-4, IBEW, pursuant to Florida Administrative Code Rule 25-22.039, petitions the Florida Public Service Commission for leave to intervene in Docket No. 981042.

#### **Introduction**

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

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

2. The name and address of the petitioner are:

System Council U-4, IBEW  
3944 Florida Blvd. Suite 202  
Palm Beach Gardens, Fl. 33410

3. All pleadings, motions, orders and other documents directed to the petitioner are to be served on:

Terry L. Kammer, COPE Director  
System Council U-4, IBEW  
3944 Florida Blvd. Suite 202  
Palm Beach Gardens, Fl. 33410

John Schantzen, Business Manager  
System Council U-4, IBEW  
3944 Florida Blvd. Suite 202  
Palm Beach Gardens, Fl. 33410

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**System Council U-4, IBEW has Interests Which Will  
Be Determined And Affected In This Proceeding**

4. System Council U-4, IBEW is the bargaining representative for approximately 3,000 employees of Florida Power & Light, a public utility subject to the jurisdiction and regulation of the Florida Public Service Commission as outlined in Florida Statutes Chapter 366.

5. It is our understanding that under the Florida Electrical Power Plant Siting Act, Sections 403.501 - 403.518 Florida Statutes that a determination of need must be shown before siting can be granted.

6. Duke Energy New Smyrna Beach Power Company Ltd., L.L.P., ("Duke") is proposing building a 514 MW power plant and to our knowledge does not have a firm contract to sell any of this capacity, nor has Duke shown a need for this capacity in the state of Florida.

7. With no firm contract or an obligation to serve, Duke has no penalty for creating volatility in the Florida power grid with its operating practices.

8. Duke has no obligation to serve, as do the regulated utilities in the state of Florida. This alone could give Duke an unfair competitive advantage in the power market, creating uncertainty for our members and their job security.

9. If the Commission were to grant Duke's request to build this plant, with no determination of need shown, or any firm contract(s) to sell the resulting capacity, would this not open the door for any and all electric power producers to build in Florida, to export power out of the state, thus creating the very situation the Legislature hoped to avoid by enacting the Power Plant Siting Act. This would cause a very unstable employment environment for those of us working in the electric utility industry.

10. If Duke is allowed to build this 514 MW plant and cannot sell within Florida, will this capacity be "exported" outside the state, thus using limiting the capacity of our transmission lines that were built and designed for the use of Florida's electric users.

11. If this unregulated plant is built and used as reserve capacity without firm contracts in lieu of a regulated electrical utility building capacity, will Floridians suffer in times of high demand. The unregulated plant with no obligation to serve, will sell to the highest bidder without regard to the needs of Florida consumers. This could lead to brownouts causing unsafe conditions for our members and the general public.

12. Duke has no obligation to serve and cannot show a need for this capacity in Florida. Because System Council U-4, IBEW has substantial interests which will be determined in this proceeding and because System Council U-4, IBEW and its members may be adversely affected by the outcome of this proceeding we feel we should be allowed to intervene in these proceedings.

System Council U-4, IBEW respectfully requests to intervene and take part as a party to this proceeding.

Dated October 4, 1998

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Terry L. Kammer".

Terry L. Kammer, COPE Director  
System Council U-4, IBEW  
3599 Florida Blvd.  
Palm Beach Gardens, Fl. 33410

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**CERTIFICATE OF SERVICE  
DOCKET NO. 981042-EU**

**I HEREBY CERTIFY** that a true and correct copy of System Council U-4, IBEW's Petition for Leave to Intervene has been furnished by U.S. Mail this 4th day of October, 1998, to the following:

Leslie J. Paugh, Esq.  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Blvd. Rm 370  
Tallahassee, Fl. 32399

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Landers & Parson, P.A.  
P.O. Box 271  
Tallahassee, Fl. 32302

Ronald L. Vaden, Utilities Director  
Utilities Commission  
City of New Smyrna Beach  
P.O. Box 100  
New Smyrna Beach, Fl. 32170

Kelly J. O'Brien, Manager  
Structured Transactions  
Duke Energy Power Services LLC  
5400 Westheimer Court  
Houston, Tx. 77056

By:   
Terry L. Kammer

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