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REPORTING

Matthew M. Childs, P.A.

October 7, 1999

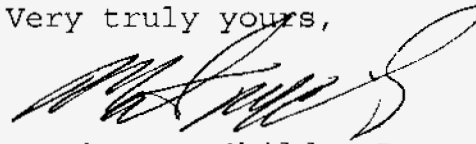
Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
4750 Esplanade Way, Room 110
Tallahassee, FL 32399

RE: DOCKET NO. 991462-EU

Dear Ms. Bayó:

Enclosed for filing please find the original and fifteen (15) copies of Florida Power & Light Company's Petition to Intervene in the above-referenced docket.

Very truly yours,

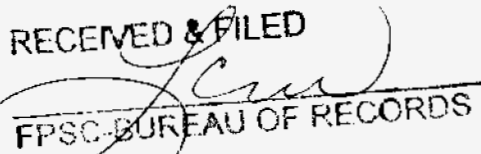


Matthew M. Childs, P.A.

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Done 10/13/99

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

12201 OCT-7 99

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Determination)
of Need for Electric Power Plant) DOCKET NO. 991462-EU
in Okeechobee County by Okeechobee) FILED: OCTOBER 7, 1999
Generating Company, L.L.C.)
_____)

FLORIDA POWER & LIGHT COMPANY'S
PETITION FOR LEAVE TO INTERVENE

Florida Power & Light Company ("FPL"), pursuant to Florida Administrative Code Rules 25-22.039 and 28-106.205, petitions the Florida Public Service Commission ("Commission") for leave to intervene in this Docket No. 991462-EU. As grounds for this request FPL states:

Introduction

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

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

- 2. The name and address of the petitioner are:

Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174

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

Matthew M. Childs, P.A.
Charles A. Guyton
Steel Hector & Davis, LLP
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301

William G. Walker, III
Vice President
Regulatory Affairs
Florida Power & Light Co.
9250 West Flagler Street
Miami, Florida 33174

DOCUMENT NUMBER-DATE
12201 OCT-7 99
FPSC-RECORDS/REPORTING

FPL Has Substantial Interests Which Will
Be Determined And Affected In This Proceeding

4. FPL is a public utility subject to the jurisdiction and regulation of this Commission under Chapter 366, Florida Statutes. Among FPL's duties as a public utility is to plan for and meet the demands of its customers for electric service. Meeting this obligation requires FPL to select the best cost-effective resource alternative consistent with system integrity and reliability. Detailed and comprehensive long range planning in a dynamic and complex environment is required for a utility to meet its long term service obligations.

5. Utility resource planning is subject to the continuing review and involvement of this Commission. This Commission has express jurisdiction over planning for a coordinated electric power grid in Florida:

The commission shall further have jurisdiction over the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure an adequate and reliable source of energy for operational and emergency purposes in Florida and the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities.

Section 366.04(5), Florida Statutes. This jurisdiction complements the Commission's jurisdiction under the Florida

Electrical Power Plant Siting Act, Sections 403.501 - 403.518, Florida Statutes.

6. The Commission's jurisdiction continues beyond the planning phase. For instance, Section 366.05(8), Florida Statutes provides:

If the commission determines that there is probable cause to believe that inadequacies exist with respect to the energy grids developed by the electric utility, it shall have the power, after proceedings as provided by law, and after a finding that mutual benefits will accrue to the electric utilities involved, to require installation or repair of necessary facilities, including generating plants and transmission facilities, with the costs to be distributed in proportion to the benefits received, and to take all necessary steps to ensure compliance. The electric utilities involved in any action taken or orders issued pursuant to this subsection shall have full power and authority, notwithstanding any general or special laws to the contrary, to jointly plan, finance, build, operate, or lease generating and transmission facilities and shall be further authorized to exercise the powers granted to corporations in chapter 361. This subsection shall not supersede or control any provision of the Florida Electrical Power Plant siting Act, ss. 403.501 - 403.518.

7. FPL is subject to the exercise of this Commission's jurisdiction pursuant to Sections 366.04(5) and 366.05(8). The petitioner Okeechobee Generating Company, L.L.C. ("OGC") is not and will not be. The Commission exercises, if it so chooses, its jurisdiction under these two sections of Chapter 366 outside the

context of a site certification proceeding. FPL too must fulfill its obligation subject to this Commission's oversight. Thus, FPL is affected by the proposal in this docket and will be more intensely affected if the requested certification is granted. FPL must respond to and react to this alternative in its own planning process. Moreover, if the proposed Project is ill-advised or if for some reason it does not operate successfully, that will result in an adverse burden being placed on FPL.

8. FPL's responsibilities in connection with providing service to its customers are huge. For instance, FPL serves more than 3.6 million retail customers and operates over 16,000 MW of generating capacity to serve their load. FPL's generation is supplemented by, approximately 2,190 MW of purchased power. FPL has more than \$8 billion invested in plant in-service and has annual capital and non-fuel O&M budgets of hundreds of millions of dollars.

9. Simply stated, as a public utility FPL has a service obligation and concurrent and continuing planning responsibility which has resulted in and will continue to result in a significant investment devoted to serving its customers. How FPL plans and operates its system to meet its service obligation and its customers' needs will be dramatically affected by the uncertainty which the Commission would create if it were to grant the determination of need sought in this proceeding.

10. OGC, an entity over which the Commission has neither Siting Act jurisdiction nor "grid bill" jurisdiction, seeks authority to build a power plant to meet Peninsular Florida's need. This act alone creates great planning uncertainty for peninsular Florida utilities. OGC affirmatively alleges that it intends to market its capacity and energy primarily in Florida and that among the specific conditions indicating a need for the project is Peninsular Florida's need for system reliability and integrity. This has a direct impact on FPL's substantial interests, and granting the relief requested by OGC will adversely affect those interests.

11. The "determination of need" before the Commission in this docket is premised upon the purported need for power of FPL and 58 other Peninsular Florida utilities. Consequently, FPL's ability to plan, build and operate its generation and transmission systems to meet its service obligations and the needs of its customers is subject to determination in this proceeding.

12. The statute under which the Commission must act to find that a power plant is needed, Section 403.519, Florida Statutes, requires specific findings regarding the need for the Project. Both the Commission and the Supreme Court of Florida have held

that these findings are utility and unit specific.¹ Because OGC has no statutory obligation to serve and because OGC lacks a contractual obligation to serve, it cannot demonstrate that it has a need for its power plant.

13. Of course, Peninsular Florida is not a utility with a need for power or a power plant. Peninsular Florida is not even a legal entity. It is a planning convention which reflects the aggregate needs of 59 utilities within the geographic area which comprises Peninsular Florida. By invoking Peninsular Florida's need for power, OGC has premised its determination of need upon the need for power of FPL and the other 58 utilities comprising "Peninsular Florida."

14. FPL comprises roughly one half of Peninsular Florida. It currently has approximately 44% of the total Peninsular Florida update generating capacity, 47% of the summer load for

¹ "The Siting Act", and Section 403.519 require that this body make specific findings as to system reliability and integrity, need for electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. Clearly these are utility and unit specific. In re: Hearings on Load Forecasts, Generation Expansion Plans, and Cogeneration Prices for Peninsular Florida's Electric Utilities, 89 FPSC 12:294, 318 (Order No. 22341); The Commission's interpretation of section 403.519 also comports with this Court's decision in *Nassau Power Corp. v. Beard*. In that decision, we rejected Nassau's argument that the "Siting Act does not require the PSC to determine need on a utility-specific basis." 601 So. 2d at 1178 n. 9. Rather, we agreed with the Commission that the need to be determined under section 403.519 is "the need of the entity ultimately consuming the power," in this case FPL. Nassau Power Corporation v. Deason, 641 So. 2d 396, 399 (Fla. 1994).

Peninsular Florida, 45% of the winter load for Peninsular Florida, 49% of Peninsular Florida's net energy for load, and 59% of the oil fired generating capacity in Florida. By attempting to rely upon "Peninsular Florida's" need for power, OGC has relied upon FPL's and other utilities' need for power and corresponding cost effectiveness.²

15. If the Commission determines, premised upon "Peninsular Florida's" need, that OGC has met the statutory criteria under Section 403.519, Florida Statutes, then FPL's abilities to (1) plan its transmission system to meet its customers' needs, (2) plan its generation additions to meet its customers' needs, (3) build and operate transmission facilities to meet customers' needs, (4) build and operate generation to meet its customers' needs, and (5) secure certification of transmission and generating facilities necessary to discharge its obligation to serve and meet its customers needs will be adversely affected. An affirmative determination of need as sought by OGC will determine the substantial interest of every Peninsular Florida utility and will adversely affect the ability of every Peninsular

²OGC's reliance upon FPL and other Florida utilities to justify its Project is readily apparent from its Petition and Exhibits. In arguing that its Project "is consistent with and meets Peninsular Florida's needs for generating capacity to maintain system reliability and integrity," and that the Project meets Peninsular Florida's need for adequate electricity at a reasonable cost OGC refers to an FRCC report showing capacity additions including FPL's.

Florida utility to plan, certify, build and operate transmission and generation facilities necessary to meet its obligation to serve.

16. This Commission's Rule 25-22.080 and 25-22.081, F.A.C., recognize this adverse impact on FPL's interests. For instance, Rule 25-22.081 requires the Petition to include **"A general description of the utility or utilities primarily affected."** Following the lead of Duke and the incorrect discussion in the Order in that proceeding, OGC seeks to keep the Commission ignorant of the impact of the facility by alleging that it "is the utility primarily affected by the Project", thus, failing to address the appropriate factors for evaluation from the proper perspective. Clearly, Rule 25-22.080 which requires notice of the commencement of the proceeding to the **"affected utility or utilities, if appropriate"** could not be reasonably construed to require that notice be given to the utility filing the application that the application was filed.

17. There are finite resources available to support the Petitioners' desires to operate what it calls a "Merchant Plant." The Petitioner's proposal will result in the uneconomic duplication of generating facilities and will tie up transmission facilities, which will adversely affect the ability of FPL and other utilities to meet their service obligations. Here OGC alleges that it will "interconnect with FPL." These adverse

consequences should be addressed so that FPL's interests will not be adversely affected. These adverse impacts on FPL's substantial interests warrant FPL's intervention.

18. The Florida Supreme Court has plainly recognized this Commission's clear responsibility to avoid the adverse impacts from the duplication of facilities. In Lee County Elec. Co-Op v. Marks, 501 So. 2d 585, 587 (Fla. 1987), the Court held:

Second, the ruling establishes a policy which dangerously collides with the entire purpose of territorial agreements, as well as the PSC'S duty to police "the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure...the avoidance of further uneconomic duplication of generation, transmission and distribution facilities."

(Emphasis added). Moreover, the Court in Lee County reminded the Commission of the Court's past support of the PSC's efforts, stating:

This Court has repeatedly approved the PSC's efforts to end the economic waste and inefficiency resulting from utilities "racing to serve."

(Emphasis added). Id. at 587.

19. The Commission's responsibility to avoid uneconomic duplication of facilities must be considered in this "determination of need proceeding." Indulgence in the fake logic as opposed to real review by this Commission should not be permitted. The "assuming economically rational behavior" contention presented again in this proceeding would, of course,

obviate the need for any Commission review responsibility. The "waste and inefficiency" inherent in the OGC proposal in this Docket should be addressed because it will adversely affect FPL's (and others') interests by creating an uneconomic duplication of facilities.

20. In a long and well-developed line of cases, this Commission has previously recognized the substantial interest of a utility purchaser of wholesale power in a need determination proceeding. The Commission has held that the utility purchaser of wholesale power is an indispensable party in a need determination proceeding and that for the specific mandates of the Siting Act to be meaningful, they must be answered from the purchasing utility's perspective. Because OGC's petition is premised upon FPL's and other Peninsular Florida utilities, need for power, FPL should be recognized as an indispensable party and permitted to intervene.

21. The Commission's recognition that the need for a power plant must be from the perspective of the purchasing utility (which is a necessary party to a need determination proceeding) began in Docket No. 881472-EQ, which was a need determination proceeding involving AES Cedar Bay, Inc. There, the Commission Staff filed a motion to implead FPL as an indispensable party and argued that findings in the so-called annual planning hearings should not be used as a surrogate for statutory findings required

by rule and Section 403.519, Florida Statutes, and that the "need" petitioner (AES Cedar Bay, Inc.) had no independent need for the electricity its proposed unit will produce. Finally, Staff pointed out that "rubber stamping" of QF construction would mean that the Commission would "...effectively lose the ability to regulate the construction of an increasingly significant amount of generating capacity built in the future by unregulated QFs." Although the Commission ultimately denied Staff's motion, it stated:

... we find that the motion to implead should be denied. This decision should not be interpreted to mean that the arguments raised by our staff do not have merit. They do. However, the appropriate place to resolve these issues is in the planning dockets for Peninsular and Northwest Florida which will soon be before us.

Order No. 20671, 89 FPSC 1:368, 370 (1989).

22. In the planning dockets referred to in the AES docket, the Commission expressly overruled its prior precedent that annual planning hearing findings could serve as a surrogate in later "need" proceedings and held that capacity must be evaluated from the perspective of the need of the purchasing utility stating:

In so doing we take the position that to the extent that a proposed electric power plant constructed as a QF is selling its capacity to an electric utility pursuant to a standard offer or negotiated contract, that capacity is meeting the needs of the purchasing utility. As such, that capacity must be

evaluated from the purchasing utility's perspective in the need determination proceeding, i.e. a finding must be made that the proposed capacity is the most cost-effective means of meeting purchasing utility X's capacity needs in lieu of other demand and supply side alternatives.

Order No. 22341, Docket No. 890004-EU.

23. The Commission further elaborated upon the indispensable nature of the purchasing utility in a need determination in FPL's Martin need determination order. There the Commission stated:

In order for the specific mandates of the statute [the Siting Act] to be meaningful, they must be answered from the utility's perspective.

Order No. 23080, 90 FPSC 6:208, 284. The Commission then observed that:

Unless the utility which awards the bid is an indispensable party it is virtually impossible to develop the record in these areas.

Id. at 285.

24. In this case, in stark contrast to these (and other) prior Commission decisions, the approach taken by the petitioner is to offer to the Commission tautological arguments concerning "utilities only contracting to buy when it is reasonable to do so" as a surrogate for the process of evaluating the power plant proposal from the purchasing utilities' perspective. OGC makes no attempt to identify individual purchasing utilities. Instead,

there is an effort to rely on the proposal being "consistent with" the need of a planning artifice called "Peninsular Florida." As already pointed out, FPL is a substantial part of Peninsular Florida load, and the failure of OGC to comply with this Commission's rules and name the "primarily affected" utilities cannot avoid the result that FPL has a right to intervene.

25. Obviously, in this proceeding there is no standard offer contract or negotiated contract. The decisions and rationales of the Commission in Order Nos. 20671 and Order 22341 in Docket No. 890004-EU, Order No. 23792 in Docket No. 900004-EU, and Order No. 23080 in Docket No. 890974-EG, where the Commission addressed the utility's necessary and proper role in need determination proceedings involving actual contracts with non-utility generators, are even more compelling under the circumstances in this proceeding where there are no contracts. Not only does FPL have standing as an intervenor, it is a necessary or indispensable party. FPL's role is not a mere informational role. Clearly, FPL, a utility also without a contract but upon whose need the plant is premised, has interest sufficient to intervene.

26. The Petition in this proceeding acknowledges that FPL has a substantial interest sufficient to support standing to intervene. For instance, it is represented that the Project will

"displace approximately 4.3 MWH of electric energy . . . per year of power produced by less efficient heavy oil-fired and gas-fired generation units un each year from 2004 through 2013." (Petition at p. 32). This displacement will have an adverse effect on FPL which owns significant amounts of "Peninsular Florida's" oil-fired and gas-fired generating capacity. Not only will it adversely affect the economics of future capacity additions by FPL, but also it will adversely affect how FPL operates it existing generating units and makes sales of capacity and energy.

27. The Project will directly affect FPL's transmission system and FPL's interest in maintaining a reliable and functional transmission system. The Project is to be interconnected with FPL's transmission system by looping the 230 kV FPL Sherman-Martin transmission line into the switchyard of the Project. It is alleged by the Petitioner that under certain contingency conditions the project will cause FPL transmission facilities to experience exceedences and that such conditions will need to be remedied. FPL is directly injured by the Project's adverse impact on FPL's transmission system.

28. The Project is anticipated to displace existing wholesale sales made by Peninsular Florida utilities. If the Project performs as intended and displaces existing wholesale sales currently being made by Florida utilities such as FPL, then

this will result in a shift of cost of service responsibility from the wholesale to the retail jurisdiction, increasing the cost of service to FPL's retail customers. The prospect of the Project raising FPL's retail rates is a direct injury FPL faces as a result of the Project.

29. The Project is alleged to displace oil-fired and gas-fired generation. (Petition at 32, 33). FPL uses such generation to make off-system opportunity sales. If these off-system opportunity sales are displaced by OGC's generation, then the proceeds or profits from such sales (in excess of \$90,000,000 in 1999) will no longer flow through FPL's adjustment clauses to benefit retail customers, and the generation by OGC will result in increases in the rates charged FPL's retail customers. The prospect of the Project raising FPL's retail rates is a direct injury FPL faces as a result of the Project.

30. The Project will also diminish tie line capability connecting Florida with the rest of the country, limiting FPL's ability to import power as well as limiting FPL's ability to make opportunity sales outside of Florida that would reduce the cost of electricity to FPL's customers. Without firm commitments to any utility in Peninsula Florida, OGC will have an economic incentive to maximize returns. When that return can be maximized by selling out of state, OGC, as a rational, profit-maximizing entity with no obligation to serve loads in Florida, will seek to

use tie line capacity to transmit its power out of Florida, limiting the availability of the interface to FPL and other Peninsula Florida utilities.

31. This proceeding is intended to consider and address the substantial interests of FPL and the adverse impact thereon. Implicit in the Commission's decisions that the purchasing utility is the proper applicant for a determination of need or an indispensable party to that proceeding is the recognition that the interests of the purchasing utility will be addressed.

32. This need determination proceeding is the only one where FPL can protect its interests. If the determination of need is entered, then there will be no necessary additional proceeding addressing FPL's interests. Even a proceeding before this Commission to address a potential purchase by FPL may be limited because of stare decisis or federal preemption. In any event, such a proceeding could not reevaluate the underlying need determination.

Notice of Agency Decision

33. There has been no agency decision in this proceeding; therefore, FPL cannot provide a statement of when and how it received notice of the agency decision.

Disputed Issues of Material Fact

34. The Petition and Exhibit raise numerous disputed issues of material fact. Those which are apparent from the filing are shown on Attachment A, which is incorporated herein by reference. However, there may well be other disputed issues of material fact not readily apparent on the face of the filing, and FPL reserves the right to raise additional disputed issues of material fact.

Ultimate Facts Alleged

35. OGC has no obligation to provide service and cannot justify the need for its Project based upon its own need. OGC is relying upon the need of the 59 Florida utilities comprising "Peninsular Florida" to attempt to demonstrate the need for its Project. As one of the 59 utilities OGC relies upon and as the utility comprising roughly 50% of Peninsular Florida, FPL has substantial interests which will be determined in this proceeding. The relief sought in this case would injure FPL's ability to plan, certify, build and operate transmission and generation facilities necessary to meet its service obligation and the needs of its customers. The relief sought in this case would adversely affect FPL by creating uneconomic duplication of facilities, and making it unnecessarily burdensome to plan and provide transmission and generation capacity necessary to meet FPL's service obligations. The relief sought in this case would

adversely affect FPL by displacing oil-fired and gas-fired generation on the FPL system, adversely affecting FPL's ability to operate its generating units and make sales of energy and capacity for the benefit of its customers. The relief sought in this proceeding would introduce tremendous uncertainty in the planning processes for FPL and Florida utilities, adversely affecting FPL's ability to plan its generation and transmission facilities. The relief sought in this case would have adverse impacts on FPL's transmission system. The relief sought in this case would result in the loss of wholesale sales, shifting cost responsibility from wholesale customers to retail customers. The relief sought in this case would cause FPL to lose off-system opportunity sales, raising FPL's rates to its retail customers. The relief sought in this case will further diminish the line capacity into and out of Florida, frustrating FPL's ability to input power to serve its customers and to sell power out of the state to benefit its customers. Because FPL has substantial interests which will be determined in this proceeding and because FPL has substantial interests which will be adversely affected by this proceeding, FPL has an interest which warrants intervention in this proceeding. FPL's intervention is warranted under Florida Administrative Code Rule 25-22.039 and Section 120.52(12), Florida Statutes.

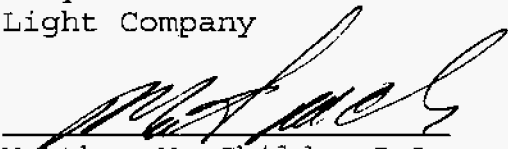
36. The proposed Project has not been shown to be needed for electric system reliability and integrity. The proposed Project has not been shown to be needed for adequate electricity at a reasonable cost. The proposed Project has not been shown to be the most cost-effective alternative available. It has not been shown that there are not conservation measures reasonably available to mitigate the alleged need for the Project.

WHEREFORE, FPL respectfully petitions for leave to intervene and participate as a party to this proceeding.

DATED this 7th day of October, 1999.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
Attorneys for Florida Power
& Light Company

By: 
Matthew M. Childs, P.A.
Charles A. Guyton

ATTACHMENT A
FPL's Disputed Issues of Material Fact

1. To what extent OGC's wholesale sales will be made to utilities in Peninsular Florida?
2. Whether the Project can be constructed at the cost alleged?
3. Whether the Project's estimated costs reflect all costs of construction, including the costs of associated facilities and transmission lines?
4. Whether the Peninsular Florida transmission grid will accommodate the net output of the Project?
5. Whether the proposed transmission additions will allow the Peninsular Florida transmission grid to accommodate the delivery of the net output of the Project?
6. Whether the Project will tie up transmission capacity which would otherwise be available to utilities with an obligation to provide service to retail customers?
7. Whether the cost of the transmission facilities alleged to be necessary for the Florida transmission grid to accommodate the net output of the Project are reasonable and reflected in the projected cost of the Project?
8. Whether the Project will burden FPL's or other utilities' transmission systems or violate any transmission constraints or contingencies in Peninsular Florida or elsewhere?
9. Whether the Project will have the high availability alleged?
10. Whether the projected heat rate values for the Project are reasonable?
11. Whether the Project cost includes the equipment necessary to produce low emissions of sulfur dioxide, nitrogen oxide, carbon monoxide, carbon dioxide and particulate matter?
12. Whether the Project, without a firm contract to sell its capacity and with Florida utilities already having plans in place which show that their capacity needs are met through the winter of 2008-2009, is needed for adequate electricity at a reasonable cost for any peninsular Florida utility?

13. Whether the Project will provide additional reliability protection to Peninsular Florida utilities if the Project's capacity remains uncommitted?
14. Whether the Project, without a firm contract to sell its capacity and with Florida utilities already having plans in place which show that their capacity needs are met through the winter of 2008-2009, is needed for adequate electricity at a reasonable cost for Peninsular Florida?
15. Whether utility ratepayers will bear the capital and operating costs of the plant if OGC signs contracts for its output with utilities?
16. If OGC signs contracts with utilities for its output, will utility customers face operating risks associated with the plant?
17. Whether the Project will provide power with no risk to Florida electric customers?
18. Whether the Project will impose no obligation on Florida utilities?
19. Whether the Project is demonstrably cost-effective relative to virtually all other gas-fired combined cycle power plants for Florida over the next ten years?
20. Whether the Project, without a firm contract to sell its capacity and with Florida utilities already having plans in place which show that their capacity needs are met through the winter of 2007-2008, is the most cost-effective alternative to meet the need of any Peninsular Florida utility?
21. Whether the Project, without a contract for its capacity and energy, will contribute to the reduction of consumption of petroleum fuels for electricity generation in Florida?
22. Whether the Project, without a contract to sell power and with Florida utilities already having plans in place to meet their need for capacity, would displace less efficient gas-fired and oil-fired generation in peninsular Florida?
23. Whether the Project, without a contract to sell power and with Florida utilities already having plans in place which show their capacity needs are met through the winter of

2008-2009, is the most cost-effective alternative to meet the need of Peninsular Florida?

24. Whether there are conservation measures reasonably available to the peninsular Florida utilities to whom OGC would sell which would mitigate the alleged need for the Project?
25. Whether the Project is economically viable?

CERTIFICATE OF SERVICE
DOCKET NO. 991462-EU

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition to Intervene has been furnished by Hand Delivery* this 7th day of October, 1999 to the following:

William Cochran Keating IV, Esq.*
Division of Legal Services
FPSC
2540 Shumard Oak Blvd.
Room 370
Tallahassee, FL 32399-0850

Jon C. Moyle, Jr., Esq.*
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By:


Matthew M. Childs, P.A.