

**BEFORE THE STATE OF FLORIDA,
PUBLIC SERVICE COMMISSION**

**In re: Petition for Determination of Need for
Electrical Power Plant in Taylor County by
Florida Municipal Power Agency, JEA,
Reedy Creek Improvement District, and
City of Tallahassee.**

**Docket No. 060635-EU
Dated: November 11, 2006**

**INTERVENORS DIANNE V. WHITFIELD, CAROLE E. TAITT AND JOHN CARL
WHITTON, JR.'S PRELIMINARY LIST OF ISSUES AND POSITIONS**

Intervenors Dianne V. Whitfield, Carole E. Taitt and John Carl Whitton, Jr. (collectively “Intervenors”), by and through their undersigned counsel, hereby submit their Preliminary List of Issues and Positions.

Issue 1: Is there a need for the proposed Taylor Energy Center (TEC) generating unit, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.5 19, Florida Statutes?

Position: No.

Issue 2: Is there a need for the proposed TEC generating unit, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statute?

Position: No.

Issue 3: Is there a need for the proposed TEC generating unit, taking into account the need for fuel diversity and supply reliability, as this criterion is used in Section 403.519, Florida Statutes?

Position: No.

Issue 4: Are there any conservation measures taken by or reasonably available to the Florida Municipal Power Agency, JEA, Reedy Creek Improvement District, and City of Tallahassee (Participants) which might mitigate the need for the proposed TEC generating unit?

Position: Yes.

Issue 5: Is the proposed TEC generating unit the most cost-effective alternative available, as this criterion is used in Section 403.5 19, Florida Statutes?

Position: No.

Issue 6: Based on the resolution of the foregoing issues, should the Commission grant the Participants' petition to determine the need for the proposed TEC generating unit?

Position: No.

Issue 7: Should this docket be closed?

Position: Yes.

Issue 8: Has Jacksonville Electric Authority ("JEA") demonstrated that the proposed pulverized coal plant is needed or is cost effective?

Position: No.

Issue 9: Has Florida Municipal Power Agency ("FMPA") demonstrated that the proposed pulverized coal plant is needed or is cost effective.

Position: No.

Issue 10: Has the City of Tallahassee ("Tallahassee") demonstrated that the proposed pulverized coal plant is needed or is cost effective.

Position: No.

Issue 11: Has Reedy Creek Improvement District ("RCID") demonstrated that the proposed pulverized coal plant is needed or is cost effective.

Position: No.

Issue 12: Are the Taylor Energy Center's ("TEC") projected cost of the proposed pulverized coal plant reasonable in light of the increased construction costs after Hurricane Katrina?

Position: No.

Issue 13: Has TEC adequately considered projected costs associated with coal, based on market costs post-Katrina, the current volatility of coal and other fossil fuels, proposed

legislation that would greatly increase the costs associated with carbon emissions from the type of coal plant being proposed and acknowledgement within the industry that the cost of coal is expected to rise?

Position: No.

Issue 14: Has TEC appropriately considered the ability of the proposed pulverized coal plant to comply with the proposed more stringent particulate standards of the Environmental Protection Agency?

Position: No.

Issue 15: Has TEC, and FMPA in particular, demonstrated that the proposed pulverized coal plant is the most cost effective source of power, in light of FMPA witnesses' testimony presented to the Commission only one year ago that a natural gas fired plant is more cost effective than coal plant alternatives?

Position: No.

Issue 16: Has TEC demonstrated that the proposed pulverized coal plant, and its detrimental effect on the public health and the environment of our State, is cost effective in comparison to other demand and supply side sources of energy?

Position: No.

Issue 17: Has TEC adequately characterized all costs associated with the proposed pulverized coal plant, as they have not included any economic costs associated with detrimental effects on the public health and the environment of our State?

Position: No.

Issue 18: Has TEC provided a reasonable projection of the cost of the emission control equipment which purportedly will be used on the proposed pulverized coal plant?

Position: No.

Issue 19: Has TEC accurately identified the level of emissions projected to be emitted from the proposed pulverized coal plant such that the Commission may reach a determination as to whether the construction of the plant will be the most cost effective source of power among the alternatives available, including conservation and efficiency alternatives?

Position: No.

Issue 20: Has TEC included all capital and operating costs likely to be incurred to construct and operate the proposed pulverized coal plant, including transmission interconnects, rail transportation, payments to entities in Taylor County, plant site remediation costs and other costs which should be known to Petitioners?

Position: No.

Issue 21: Has Tallahassee demonstrated a need for the 154 MW of power from the proposed pulverized coal plant given Tallahassee's plan to acquire at least 192 MW of energy from DSM and biomass, all of which were identified subsequent to November, 2005?

Position: No.

Issue 22: Have each of the TEC members, and each of the municipal members of FMPA, appropriately analyzed the potential for DSM and renewables to meet additional capacity needs of each such member?

Position: No.

Issue 23: Has TEC complied with the mandate of the Resolution passed by the Taylor County Board of County Commissioners on October 3, 2005, which states as follows:

THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Taylor County, Florida inform JEA that, if a coal generated power plant is to be located in Taylor County, that JEA request funding from the U.S. Department of Energy for this plant so that it will be built using only the very latest and cleanest technology available, such as the coal gasification process.

Position: No.

Issue 24: Have the appropriate governing bodies of each of the FMPA members approved the FMPA's participation in this proceeding?

Position: No.

Issue 25: Does TEC's plans provide for the operation of the selective catalytic reduction ("SCR") equipment for nitrous oxide control on a year round basis and not just from May to October.

Position: No.

Issue 26: Does TEC's plans provide for all 800 MW of flue gas to be passed through the wet electrostatic precipitators ("Wet ESP") for 365 days a year, twenty-four hours a day?

Position: No.

Issue 27: Is TEC's site selected for a pulverized coal plant reasonable or is TEC assuming unnecessary risks given the potential water quality, sinkhole, and toxic substances issues at the site?

Position: No.

Issue 28: Has TEC adequately calculated the cost of the constructing and operating the proposed plant by failing to include carbon compliance costs in their projections?

Position: No.

Issue 29: Has TEC adequately calculated the cost of constructing and operating the proposed plant due to the failure to include costs of more stringent Clean Air Interstate Rule ("CAIR") standards?

Position: No.

Issue 30: Has TEC adequately calculated the cost of constructing and operating the proposed plant due to the failure to include costs associated with changes to the environment?

Position: No.

Issue 31: Has TEC adequately calculated the cost of constructing and operating the proposed plant due to the failure to include the cost of further mercury pollution of Florida's water resources?

Position: No.

Issue 32: Has TEC adequately considered the long-term costs of operating an antiquated, environmentally destructive coal-fired energy plant over a 30-year period which is contrary to state and federal agencies' policies encouraging more environmentally benign, renewal energy options?

Position: No.

Issue 33: Has TEC adequately calculated the costs of constructing and operating the proposed pulverized coal plant due to the failure to include the costs associated with local transportation projects necessary to move the coal into the facility.

Position: No.

Dated this 14th day of November, 2006.

Respectfully submitted,

s/ Brett M. Paben

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been furnished via e-mail on this 14th day of November, 2006, to the following:

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Respectfully submitted,

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