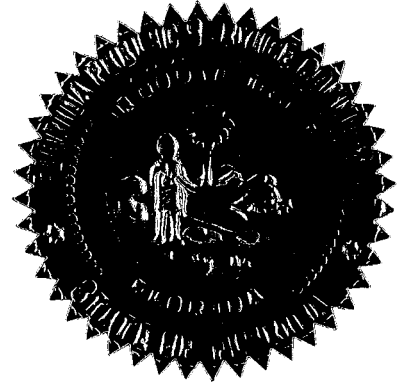


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060635-EU

In the Matter of

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.



VOLUME 3

Pages 205 through 259

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PROCEEDINGS: HEARING

BEFORE: CHAIRMAN LISA POLAK EDGAR
COMMISSIONER ISILIO ARRIAGA
COMMISSIONER MATTHEW M. CARTER, II
COMMISSIONER KATRINA J. TEW
COMMISSIONER KENNETH W. LITTLEFIELD

DATE: Wednesday, January 10, 2007

TIME: Commenced at 9:30 a.m.

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: MARY ALLEN NEEL, RPR, FPR

APPEARANCES: (As heretofore noted.)

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

FPSC-COMMISSION CLERK

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P R O C E E D I N G S

(Transcript follows in sequence from
Volume 2.)

MS. BRUBAKER: The next speaker is Janice Blair, to be followed by Jay Liles, Dorothy Bacot -- excuse me if I'm pronouncing. Thank you. And then Annette Long.

Thereupon,

JANICE BLAIR

was called as a witness and, having been first duly sworn, testified as follows:

DIRECT STATEMENT

MS. BLAIR: Good afternoon. My name is Janice Blair. Thank you for having me.

I would like to introduce myself as the silent customer, the customer without a voice, the customer who gets a bill, but it's not in my name. I, Janice Blair, am the silent customer/consumer of the Taylor Energy Center through the purchase of utilities and electricity from Tallahassee Utilities, City of Tallahassee. I without consent and without any self-determination ultimately pay for colleges to have their lights on, for the energy that lights this room, to the tune from 2005 to 2006 of \$38 million plus per year.

I am not an externality in the cost. It is

1 associated to me through taxation and appropriation by
2 my citizenship. I am a consumer and a customer in what
3 I consider this dirty deal. And what I mean by the
4 dirty deal is over polluting.

5 Therefore, I too request denial of this needs
6 determination due to lack of cost-effectiveness and
7 failure to address risks associated to the citizens of
8 Taylor County, who will, as well as I, pay for these
9 same said utilities.

10 Taylor County has zero need to develop
11 electricity. Taylor County fails to thrive. We had
12 more people in Taylor County at the turn of the century
13 than we do today. We educate our children, and they
14 leave us. They refuse to reside in a community that
15 they consider a dump. My children suggest that our
16 community is so poor quality of life that instead of my
17 coming here today and requesting your participation in
18 helping me to improve this situation that I forget it
19 all and just allow them to come get me and take me away
20 from my home.

21 I'm sorry. I'm nervous.

22 As I said, Taylor County has no need for
23 electrical power development and will not receive any
24 benefit from the location of a power plant of this
25 magnitude in our county. Although the risks associated

1 with a plant of this size is well documented, the State
2 of Florida, TEC, and the Public Service Commission have
3 all failed to pursue evidence to establish exposure to
4 unnecessary risks by the most affected citizens,
5 consumers, and a lack of benefits necessary to warrant
6 the permitting of this facility.

7 The information being presented from the
8 applicants, TEC, creates an imperfect market which
9 excludes added costs for the most affected in the
10 purchase formula, failure to assess and include the
11 higher risks associated with an already overburdened,
12 overexposed community, and the added cost to the
13 community and the State of Florida through health costs
14 to the citizens already uninsured and reliant on the
15 State of Florida Medicaid funding to cover the cost of
16 chronic illness associated with a plant of this size.

17 18.5 percent of the residents of Taylor
18 County, according to the United States census, live
19 below the poverty line with children under the age of
20 five in the household. These families are more often
21 reliant on Medicaid for their children to have health
22 care, for those asthma attacks that doctors have talked
23 to us about. The cost comes out of each and every one
24 of our pockets collectively.

25 Doctors Memorial Hospital at 33 North Byron

1 Butler Parkway, Perry, Florida, administrator Rick Brown
2 in a public hearing before the Taylor County
3 Commissioners in September of 2005 testified the number
4 one discharge diagnosis is COPD and lung cancer for the
5 past three years.

6 Yesterday a citizen of Taylor County was given
7 Social Security disability benefits for having COPD. He
8 is 38 years old. He has two children under the age of
9 10 in his house, a 38-year-old father with chronic
10 obstructive pulmonary disease. Doctors assure me that
11 people this young do not have COPD. This is a disease
12 more often found in the elderly.

13 Lung cancer, 70 percent of all persons
14 diagnosed with lung cancer die within the first year.
15 70 percent of all lung cancers are associated to
16 smoking, 70 percent, not 100 percent. 20,000 people die
17 per year in the United States of America as a result of
18 lung cancer who have never smoked, and 60 percent of
19 those diagnosed with lung cancer now are former smokers.
20 They do not currently smoke.

21 The reason that our lung cancer patients
22 aren't here today, as I've said before, they die. They
23 die before this hearing process is completed. From the
24 time we heard of the coal plant until today, those
25 70 percent of the people diagnosed with lung cancer in

1 those years are dead.

2 Without understanding this cost to the
3 citizens of Taylor County and the citizens of the State
4 of Florida, who pay this added cost through higher
5 health care, it is impossible for us to have a correct
6 accounting of what added pollution will cost us. So
7 please deny the need determination for the TEC until
8 more facts are ascertained and do not allow the people
9 of Taylor County to become a silent partner in their own
10 poisoning.

11 Thank you.

12 CHAIRMAN EDGAR: Thank you, Ms. Blair. And I
13 hope you'll note that there was no reason to be nervous.

14 MS. BLAIR: Thank you.

15 CHAIRMAN EDGAR: Thank you for your comments.
16 Would you like to share that document so that -- with
17 our staff so --

18 MS. BLAIR: Yes, I would.

19 CHAIRMAN EDGAR: -- that we can mark it as we
20 would --

21 MS. BLAIR: And the document attached is the
22 health administrator from the Perry hospital's hearing
23 testimony.

24 CHAIRMAN EDGAR: Thank you, Ms. Blair. And
25 that document --

1 MS. BLAIR: Oh, and one more thing.

2 CHAIRMAN EDGAR: Yes, ma'am.

3 MS. BLAIR: In Ms. Johnson's material that she
4 turned in, the last page from Gary Brinkworth is the
5 38 million accounting that we pay in utility payments,
6 the citizens do, to keep our lights on.

7 CHAIRMAN EDGAR: Thank you.

8 MS. BLAIR: Thank you.

9 MS. BRUBAKER: That would be noted as Item 99.

10 CHAIRMAN EDGAR: Yes.

11 MS. BLAIR: Thank you.

12 CHAIRMAN EDGAR: Thank you.

13 (Exhibit Number 99 was marked for
14 identification.)

15 CHAIRMAN EDGAR: Ms. Brubaker, if you would,
16 call the next person on the list, and then after we have
17 heard from them, we will take a short break afterwards,
18 and then we will come back.

19 MS. BRUBAKER: Mr. Liles.

20 Thereupon,

21 JAY LILES

22 was called as a witness and, having been first duly
23 sworn, testified as follows:

24 DIRECT STATEMENT

25 MR. LILES: Thank you, Madam Chairwoman and

1 Commissioners. My name is Jay Liles. I'm here as a
2 citizen of Leon County and on behalf of the Florida
3 Wildlife Federation.

4 CHAIRMAN EDGAR: And will you -- I'm sorry.
5 Will you spell your name for me?

6 MR. LILES: Sure. L-i-l-e-s.

7 CHAIRMAN EDGAR: Thank you.

8 MR. LILES: We stand with the fine people that
9 you've heard from today from Taylor County and elsewhere
10 in opposition to this coal power plant in Taylor County.
11 And I want to indicate that I'll read from my remarks,
12 because I am neither as compelling as Mrs. Deckert in
13 her testimony nor as eloquent in Mrs. Kelynack in her
14 testimony, but I can only say I wish I had had a teacher
15 like her when I was in school. And as I told her, I
16 probably would have ended up in the principal's office
17 on many occasions. She's a fine lady.

18 Among the many factors that you, Madam
19 Chairwoman, identified in your editorial, and I thought
20 it was a thoughtful editorial, about the determination
21 of the need for this utility plant was the determination
22 of whether or not the proposed plant is the most
23 cost-effective alternative. And from the perspective of
24 our organization, the Wildlife Federation, we hope you
25 would consider costs to include the potential negative

1 financial impacts associated with the burning of fossil
2 fuels as it relates to climate change and its direct
3 economic impacts on Florida, and specifically on this
4 region of the state.

5 Scientists tell us that the evidence that ties
6 the burning of fossil fuels, including coal, to climate
7 change is irrefutable. What is unclear is how long we
8 have to correct the impacts. However, as our Public
9 Service Commission, we look to you to make decisions
10 today that will affect all of us in the years to come,
11 both in our quality of life and for our children and
12 their children.

13 Among the more than 50,000 Floridians who call
14 themselves both members and supporters of the Florida
15 Wildlife Federation, a large segment of them are hunters
16 and anglers who both enjoy our waters and land as their
17 recreation and as a way to make a living. They have
18 noted a significant increase in the rate of sea level
19 rise already due to the melting glaciers and ice caps,
20 and that's one of the most direct consequences of global
21 warming.

22 And we in Florida are right on the front line
23 of that impact. The vast majority of Florida's marine
24 fish and shellfish species depend on salt marshes,
25 seagrass beds, and other habitat found in the state's

1 bays and estuaries, so the projected changes to these
2 habitats due to sea level rise would have an enormous
3 impact on Florida's commercial and recreational
4 fisheries.

5 I would like to cite one example from the
6 findings of a recent study commissioned by the Wildlife
7 Federation and our partners, the National Wildlife
8 Federation, entitled, appropriately enough, "An
9 Unfavorable Tide." Copies of this are being distributed
10 to you. They may also be found on our website at
11 fwfonline.org.

12 The area I would focus on is Apalachicola, and
13 this will only take me a moment.

14 Sea level rise is projected to cause a
15 61 percent decline in salt marsh habitat in Apalachicola
16 Bay, making coastal waters and seagrass beds more
17 vulnerable to pollution. Inundation is expected to
18 cause a significant decline in hardwood swamps,
19 particularly along the Apalachicola River. An estimated
20 13 to 16 percent of these swamps are expected to convert
21 to brackish marsh, which had been virtually nonexistent
22 in this area.

23 In addition, inundation and overwash is
24 expected to have a significant effect on the barrier
25 islands to the south. Those include St. George Island,

1 St. Vincent, and Little St. George. I am no expert on
2 property values on St. George Island, but I think we can
3 all appreciate the impacts this would have to that
4 community.

5 Species that would face the greatest impact
6 for salt marsh and seagrass loss in Apalachicola include
7 the oyster, flounder, spotted sea trout, redfish,
8 tarpon, and grouper. All of these are common to any
9 sports fisherman, or seafood enthusiast, for that
10 matter, and they're known as the best delicacies the
11 Gulf has to offer. A change in habitat will have a
12 significant impact on the ability to harvest and market
13 these species, thus creating an economic hardship for
14 our friends who live and work in that area and provide
15 the services to the people who come to the State of
16 Florida to fish our Gulf. In 19 -- I'm sorry. In 2005,
17 for that one area, this was a \$108 million revenue
18 producer, creating 2,000 jobs.

19 In closing, the Federation encourages you to
20 consider these factors in determining the need and
21 negative impacts of a coal power plant in Taylor County.
22 And I am available to you to answer any questions you
23 may have.

24 CHAIRMAN EDGAR: Thank you, Mr. Liles. Any
25 questions? No?

1 We will need to mark.

2 MS. BRUBAKER: Just for clarification,
3 Mr. Liles, do you intend for the entire document to be
4 submitted or just the two pages?

5 MR. LILES: I would like for the entire
6 document to be submitted. There are the same examples
7 given for other coastal cities around the state that I
8 would like for the Commissioners to have an opportunity
9 to look at, including Tampa, the Daytona area,
10 Jacksonville, and South Florida. So I would certainly
11 appreciate it if you would take the opportunity to look
12 at those.

13 CHAIRMAN EDGAR: Okay.

14 MS. BRUBAKER: Thank you for the
15 clarification.

16 CHAIRMAN EDGAR: We will do that. I thank
17 you. And I'm at 100. Is that where you are?

18 MS. BRUBAKER: Yes.

19 CHAIRMAN EDGAR: Okay. We will mark that as
20 Exhibit 100.

21 (Exhibit Number 100 was marked for
22 identification.)

23 CHAIRMAN EDGAR: It is approximately 4:17. I
24 need to stretch. Excuse me for just a moment.

25 COMMISSIONER CARTER: Madam Chairman, if I

1 may, before we take a break, I know we're all tired and
2 all like that, but I wanted to thank you publicly,
3 because with your leadership, you've always shown a
4 great amount of tolerance to allow any member of the
5 public, particularly -- there will be some people that
6 won't be coming back, but I wanted to thank you publicly
7 for allowing people to come and be heard. I'm proud to
8 serve with you. Thank you.

9 CHAIRMAN EDGAR: Thank you, Commissioner.
10 It's an important part of our process. I appreciate
11 everybody's patience. It is a long day. I know that.
12 We will take a short break just to stretch and clear the
13 cobwebs a little bit, and we will come back and continue
14 at 4:30 by the clock on the wall.

15 (Short recess.)

16 CHAIRMAN EDGAR: Okay. I know that we went a
17 little bit beyond the break time that I had said. I
18 apologize for that, but I think we all needed a few
19 minutes. I know I did. So we are back. We are
20 refreshed.

21 My intention is to continue through this
22 evening and hear from everybody that has signed up or
23 has indicated they would like to participate in the
24 public testimony portion of this proceeding today.
25 Again, we would just ask everybody to be somewhat

1 cognizant of the time and of other people's need to
2 speak, but we will be here, and we will continue until
3 we are done.

4 Realizing the late hour, then I think what we
5 will do then is adjourn for the day, break, recess,
6 whatever is the appropriate term, and we will come back
7 in the morning and begin the evidentiary portion of the
8 proceeding then. And at that time, first off we will
9 take all procedural matters, including taking up the
10 items that have been tendered as possible exhibits, if
11 that meets.

12 Okay. Ms. Brubaker.

13 MS. BRUBAKER: Dorothy Bacot.

14 MS. BACOT: Bacot.

15 MS. BRUBAKER: Thank you.

16 Thereupon,

17 DOROTHY BACOT

18 was called as a witness and, having been first duly
19 sworn, testified as follows:

20 DIRECT STATEMENT

21 MS. BACOT: I'm Dorothy Bacot. I'm a resident
22 of Madison County. And I am opposed to the Taylor
23 County Energy Center for the reasons that have been
24 presented so numerously here today. I would ask that
25 the Commission deny the need determination. But if the

1 Commission does not see to do that and decides for the
2 Taylor Energy Center, I would implore you to not allow
3 the use of pulverized coal.

4 I think with everything that has been said
5 today, I don't really need to say anything in addition
6 to that. And I really appreciate the opportunity to
7 speak with this group and just thank you very much and
8 look forward to a good decision from the Commission.

9 Thank you.

10 CHAIRMAN EDGAR: Thank you, ma'am.

11 Excuse me. Commissioner Carter.

12 COMMISSIONER CARTER: I just wanted to say
13 thank you so much for coming. Excuse me. Let me turn
14 my mike on. I did want to say thank you. I know a lot
15 of our friends and neighbors came from distances, and we
16 do want to thank you for giving up your time to come and
17 speak with us. This is a very important issue, but you
18 are far more important than any of this paper that we've
19 to read tonight. So thank you so much for coming.

20 MS. BACOT: Thank you. I appreciate it.

21 COMMISSIONER CARTER: Thank you, Madam Chair.

22 CHAIRMAN EDGAR: Thank you. Ms. Brubaker.

23 MS. BRUBAKER: The next witness in turn is
24 Annette Long. We've been informed that Ms. Long has had
25 to leave. However, she has left behind comments that

1 she would like to have identified as an exhibit. By my
2 count, that would have us at 101 for Ms. Long.

3 (Exhibit Number 101 was marked for
4 identification.)

5 MS. BRUBAKER: The next speaker is Carl
6 Ferguson. Is Mr. Ferguson present?

7 Tracy Fullington? Tracy Fullington?

8 CHAIRMAN EDGAR: Why don't you go on, and we
9 can come back in a few minutes.

10 MS. BRUBAKER: Okay. Kim O'Connor, to be
11 followed by Brian Lupiani and Joy Towles Ezell.

12 MS. O'CONNOR: This is Tracy. Do you want her
13 to go next?

14 CHAIRMAN EDGAR: Whichever order works, truly.
15 Okay. Thank you. Ma'am, if you would, begin by telling
16 us your name.

17 Thereupon,

18 TRACY FULLINGTON

19 was called as a witness and, having been first duly
20 sworn, testified as follows:

21 DIRECT STATEMENT

22 MS. FULLINGTON: Thank you. My name is Tracy
23 Fullington, and I'm here as a private citizen and
24 utility ratepayer to the City of Tallahassee.

25 CHAIRMAN EDGAR: And will you spell your name

1 for us?

2 MS. FULLINGTON: T-r-a-c-y,
3 F-u-l-l-i-n-g-t-o-n. And I reside at 1555 Delaney
4 Drive, Apartment 1617, Tallahassee, Florida, 32309.

5 First I would like to thank you, Madam
6 Commissioner and Commissioners, for your attention
7 today. I really appreciate the great deal of attention
8 you're giving to everyone speaking today.

9 Most of my points have been made by other
10 people, so I'm just going to speak from the heart here
11 about being a resident here in Tallahassee and how I
12 would like to ask this Commission to find that we don't
13 have a need for a coal-burning and a carbon
14 dioxide-emitting power plant like the one proposed by
15 the applicants here.

16 I'm also here as an asthmatic, and I would
17 like to see our state evolve beyond air-polluting
18 industries that cost more in health risks and
19 environmental degradation than any service we could
20 possibly need from them. And any environmental issues
21 that I touch on are strictly in the context of their
22 cost to the taxpayers of Tallahassee and the State of
23 Florida, and also why it's just not cost-effective to
24 continue powering our energy needs by coal.

25 As a taxpayer, I would rather see my money go

1 toward research in areas which are advertised by our own
2 Department of Energy outside, such as green building and
3 alternative renewable energy sources, solar, geothermal,
4 hydropower, biomass, hydrogen, and wind. And even
5 improved mass transit could lower our need for energy
6 here in Tallahassee. And I would like to see us
7 preserve our beautiful canopy roads where the trees
8 actually outnumber the cars. And not many places are
9 left that can say that.

10 I urge you, Commissioners, to revolutionize
11 the way we meet our energy needs as a growing state and
12 economy. But we also need to remember that we're a
13 growing community of concerned citizens. I ask you to
14 please figure into your estimates of how much this power
15 plant will actually cost to build and include in those
16 estimates the proposed carbon regulations, which should
17 be going into effect within the next few years. And
18 I'll refer back to the Union of Concerned Scientists
19 report, which I believe has been submitted as Exhibit
20 No. 88, already referred to by Pat McVety, Dr. Bellamy,
21 and submitted by Ken Miller. Dr. Bellamy, you know, he
22 mentioned that just a 500-megawatt plant produces the
23 annual global warming emissions of roughly 600,000 cars.

24 I would also like to touch on how this is
25 going to affect the taxpayers. What's going to happen

1 when this plant costs so much more to build than they're
2 estimating? Who are they going to pass the costs on to?
3 Are they going to charge the ratepayers, or are they
4 going to hide those costs in increasing the property
5 taxes?

6 These are issues that are being ignored by the
7 power plants. They don't want to recognize that these
8 carbon taxes are probably going to be a reality and that
9 they are going to increase the costs, and that's
10 something that we really do need to focus on. And if
11 regulators do authorize the construction of a coal
12 plant, they should at least require them to pass costs
13 on to their shareholders and make sure that those don't
14 get passed on to their ratepayers.

15 I would like to thank you for your time and
16 consideration.

17 CHAIRMAN EDGAR: Thank you, ma'am.
18 Ms. Brubaker.

19 MS. BRUBAKER: Kim O'Connor, please.
20 Thereupon,

21 KIM O'CONNOR
22 was called as a witness and, having been first duly
23 sworn, testified as follows:

24 DIRECT STATEMENT

25 MS. O'CONNOR: I have the flu just a little

1 bit left in my throat, but it's making it hard for
2 people to hear me. So if you can't understand me, don't
3 worry about trying to make me repeat it. It just won't
4 help.

5 I want to thank you, Chairman Edgar, and
6 Commissioner Tew and Commissioner Carter, for staying
7 here for all of us, the public part. You know, it's
8 your call one way or the other, and I know that all of
9 us really, really appreciate it.

10 I don't have much left to say after my fellow
11 Gator Tracy just talked. I thought I was making all
12 those economic points. But I just want Buckeye to pay
13 attention to the BCS game that we just had on
14 January 8th, and we whipped Buckeye ass from Florida.

15 I ran for mayor on this issue here in
16 Tallahassee and got 4,000 votes. It was mostly people
17 that just know me. And really, we were trying to send
18 the mayor a message, because I supported him the first
19 time, and I gave money to his campaign and I campaigned
20 for him, I was just so disappointed on the issue. I
21 just thought, this is a good, smart guy, and if we could
22 get him to the forums and, you know, hear from the
23 environmentalists and the doctors and all those people,
24 that it would change his mind and his heart, but I was
25 wrong about that.

1 And the part that I brought to the table as a
2 candidate was the economic part, because I don't have to
3 give the -- or I didn't give the environmental and
4 medical part much shrift, because I'm a member of the
5 National Green Party, and it's in our platform to oppose
6 all coal-fired plants, so this was a no-brainer to me in
7 Taylor County.

8 And there's like 40 or 50 trying to be
9 permitted in the United States, so from that point, I
10 just was thinking that economics, you know, you're
11 looking at -- they're taking a snapshot -- that's how
12 they like to talk about it at the City, we're taking a
13 snapshot, we're taking a snapshot. But the snapshot
14 doesn't show any kind of time line into the future when
15 there's 40 or 50 more United States coal plants looking
16 to get that coal, and the economics are not going to
17 work into the future.

18 And when we look at 2012, the year that this
19 plant is supposed to come online, the City of
20 Tallahassee, that's the first year we have a shortfall
21 in the amount of electricity generated versus the amount
22 needed, and it's only like 51 -- I get mixed up.
23 Fifty-one of the littlest watts, not the great big
24 watts, or 21. It's just some small thing that over 12
25 years -- excuse me, over six years to 2012 we can

1 address through demand-side management.

2 And I just think, just like Tracy said -- and
3 the other thing is, in Kentucky they're building a
4 similar plant, similar size, and in the two years that
5 they've been working on it, they increased -- they had
6 to increase the cost projection because the cost of
7 materials went up, we know, with Katrina, the cost of
8 building materials have gone sky high, the cost of labor
9 went up, the cost of transportation went up, the cost of
10 coal went up. So they had to increase it. But it was
11 \$1 billion, and did they increase it 10 percent to
12 \$1.1 billion, or, you know, 20 percent? No, they
13 increased it 50 percent to \$1.5 billion, and that's just
14 after two years with a six-year time frame.

15 So when you look -- I think your mission is,
16 you know, that it has to be cost-effective, and I hope
17 that your number crunchers can help see the projected
18 lines on all of these costs, and I think maybe you'll
19 see that it's not cost-effective for the amount of
20 electricity that's needed now.

21 And thank you very much for your time.

22 CHAIRMAN EDGAR: Thank you, Ms. O'Connor.

23 MS. BRUBAKER: We have received an exhibit
24 from Ms. O'Connor; is that correct? No? Excuse me.
25 I'm in error.

1 Mr. Lupiani.

2 CHAIRMAN EDGAR: Okay. Just a moment. I have
3 one, two, three documents that Mr. Breman passed out to
4 us just, I believe, as Ms. O'Connor was going to speak.
5 Do I need to mark these? I don't want to get my piles
6 confused.

7 MS. BRUBAKER: I'm afraid that was handed out
8 a little anticipatory. It's for Ms. Towles Ezell, who
9 will be testifying shortly.

10 CHAIRMAN EDGAR: Okay. All right. Thank you
11 very much.

12 MS. BRUBAKER: Sorry for the confusion.

13 CHAIRMAN EDGAR: That's okay. Mr. Lupiani.
14 Thereupon,

15 BRIAN LUPIANI
16 was called as a witness and, having been first duly
17 sworn, testified as follows:

18 DIRECT STATEMENT

19 MR. LUPIANI: Thank you, Madam Chair and
20 Commissioners. My name is Brian Lupiani. I'm a
21 resident of the City of Tallahassee and an electric
22 customer, owner, whatever you want to call it.

23 In response to a few things that were said
24 earlier, with all due respect to the other gentleman
25 here, I'm wearing a suit, but I'm here on my own time.

1 Although you all are paying for it, as a public
2 employee, I haven't used up all my annual leave yet, so
3 at least I'm getting paid to be here in one sense of the
4 word.

5 I also would like to just quickly respond to
6 or echo Mr. Lloyd's response to Mr. Williams'
7 characterization of the referendum back in October.
8 Actually, no, it was March. How time flies. Anyway, I
9 just want to agree with Mr. Lloyd that I think
10 Mr. Williams was sort of reading into that election what
11 he wanted to. It was really more of the public saying
12 that they trusted the City Commission to work on it, or
13 to make the decision. They weren't necessarily saying
14 that they wanted to have a coal plant.

15 And I do want to commend the City of
16 Tallahassee for the measures it has taken over the last
17 year and a half, in great part in response to the
18 efforts of the Big Bend Climate Action Team, which I'm
19 not a member of, so I'm not tooting my own horn. But
20 they've done some things that hopefully will mitigate
21 any increase in need over the next few decades by
22 repowering the Purdom unit and going ahead with biomass
23 and seeing how that works out, and especially for their
24 fairly aggressive, what I hope will be a fairly
25 aggressive demand-side management program.

1 I would like to put in a plug for something,
2 as a matter of fact, for any of you all that live here
3 and are City of Tallahassee customers. I took advantage
4 of one of the measures -- well, a number of them over
5 the years, but one that they've already had in place,
6 but people don't know about. They have a low-interest
7 loan. And actually, at the time I did it, it wasn't
8 much lower than the available rate, but the convenience
9 of paying it back through the city utility payments was
10 one of the things that attracted me to it.

11 But we got a low-interest loan of -- I think
12 it was 5,000 bucks to switch out our air conditioning
13 system. We had very old central heat and air. We've
14 always had gas heat, which worked terrific. But we
15 changed out the air conditioner, and at the same time,
16 we added a room of about 300 square feet, and our
17 electric consumption actually dropped to the point where
18 we're paying about the same as we were before, including
19 over 100 bucks a month to repay the loan. And actually,
20 Commissioner Lightsey had mentioned this program in one
21 of the City Commissioner hearings, that she had done the
22 same sort of thing and reduced her electric consumption
23 by -- I believe she said 30 percent.

24 So that's the sort of thing that, you know,
25 you want to have -- if you want to cut your utility

1 bills, that's the way to do it. That's really the only
2 way to do it, is to conserve and be more efficient in
3 your use.

4 I hope the other utilities would also do what
5 they can. I haven't really looked at it. I don't know
6 if the gentleman is still here from the municipal power
7 group. I haven't looked closely into it to know what
8 effort those folks are making, but I hope all three of
9 the other partners are going to make similar aggressive
10 measures. And if they're not, if they're not doing
11 everything they can, then I don't think there is a need
12 for this plant.

13 I would also like to echo the -- put in my two
14 cents worth to agree with the comments that have been
15 made about environmental and health aspects and
16 externalities. And I know the applicants have a
17 standing objection to that, and I understand that
18 technically that is not actually part of the scope of
19 this hearing, but I think it is in a roundabout way that
20 I'll try and get to briefly.

21 I'm concerned as a Tallahassee utility owner
22 and customer that the Taylor Energy Center really is not
23 the most cost-effective alternative for Tallahassee, and
24 possibly for the others, but especially for Tallahassee.
25 In fact, the City had a series of public hearings and

1 kind of workshops. I don't remember exactly what they
2 called them.

3 But even as late as December 6th, I believe,
4 the last time that the City Commission took a vote on
5 this and proceeded to go forward with it, the staff
6 agenda item pointed out that -- one of the things
7 they've been saying all along is that TEC is the most
8 cost-effective coal option. But if you looked at the --
9 and I'm sorry. I don't have it with me. I don't have
10 it to submit. But the posters and that sort of thing
11 that they had at these public meetings showed that the
12 option they also considered, which went by the name of
13 "all gas," which was -- all four of their options were
14 similar except the final step. And in the case of all
15 gas, it was, I believe, a 150-megawatt conventional
16 combustion turbine gas-fired unit to come online in 2016
17 as opposed to going in now with the Taylor Energy
18 Center. And that all-gas option was actually a little
19 bit cheaper, when all is said and done, than doing the
20 TEC route.

21 And it mentioned in the agenda item that -- I
22 don't remember the exact wording, but basically that any
23 little fluctuation in the price of gas, and I would also
24 add the price of coal, could tilt it one way or the
25 other. They were pretty much interchangeable, and it

1 was an order of magnitude in the price of gas that might
2 occur over the course of a day or two in normal trading.
3 So it was really sort of a wash.

4 And it seemed to me that what they were doing
5 was gambling, or what the City is trying to do is, it's
6 gambling that the coal option will remain cheaper and
7 there won't be any -- there basically won't be any
8 fluctuation in the price of gas or coal, including all
9 these things that have been brought up about the
10 externalities. And I realize that you can't really take
11 those into account now, but I think, as has been
12 demonstrated today, there's certainly a very strong
13 probability of some sort of carbon tax going in, and
14 that would really skew this.

15 And frankly, I'm very concerned that the City
16 is making a billion-dollar gamble that this is going to
17 work out okay, and it's all at the altar of
18 diversification. And there's nothing wrong with
19 diversification, and I realize that's a goal, and in
20 fact, it's a part of the mandate. But they want to
21 diversify from the cleanest fossil fuel to the dirtiest
22 fossil fuel with the most potential for all sorts of
23 things to go wrong and for all sorts of added costs to
24 come in, from these new railroad lines we've heard about
25 to carbon tax or the cost of carbon sequestration, if

1 again that's even possible. We've heard testimony here
2 today that it may not even be possible at this location,
3 if that's something that's an option that's available,
4 it may not be available to the Taylor Energy Center, to
5 have the possibility of increased liability for health
6 costs and that sort of thing, lawsuits.

7 You know, as a city utility customer, I am --
8 I do have some concern that we would stay based entirely
9 on gas, and I realize there are some -- you know, that
10 that's not the be-all and end-all. And I also know that
11 these utilities are reluctant to look at some of the
12 advancing technologies. But to tie into something for
13 generations to come and basically just run into it with
14 our eyes squeezed tight and our fingers crossed hoping
15 that it works out along the most optimistic projections
16 they can come up with is not the way I think our City
17 should proceed.

18 One of the other things that Mr. Williams had
19 said was, he talked about maintaining our quality of
20 life or our standard of living, or whatever the phrase
21 was he used. And I would agree with that, and of
22 course, we all want to be able to have electricity. But
23 if this thing goes sour, we're going to wind up a decade
24 or two down the road with a City Commission that's
25 mortgaged to the hilt for this 20 percent of somebody

1 else's power plant.

2 Let's just say it becomes a white elephant.
3 What is the City going to do? They're not going to be
4 able to sell their share to anybody. If there's a huge
5 cost incurred because of the carbon tax or something
6 along those lines, they're either going to have to raise
7 the rates again or, speaking of that quality of life,
8 they're going to have to start cutting back the
9 transfers to other services, or raise taxes, or start
10 cutting back on the services themselves. And, you know,
11 that's not something I want to leave for my kids and
12 possible grandchildren.

13 You know, we just really -- I don't think this
14 is the most cost-effective option, and I don't think
15 it's needed for the City of Tallahassee.

16 And one last thing I want to say to the
17 friends and folks I've met and come to know from Taylor
18 and other counties. You know, I'm very sorry that we
19 may be doing this to you. I think another thing to
20 point out that this may not really be based on need is
21 that one of the three remaining Commissioners that's in
22 favor of the Taylor center as an option, when he signed
23 on to it, he didn't talk about the need for more power.
24 What he said was, "I want to be part of this, because I
25 think it's going to be built, and I want to get it as

1 far away from Tallahassee as possible." And I didn't
2 happen to vote for that gentleman, but I've never been
3 more embarrassed to be represented by somebody than when
4 he said that.

5 You know, you can say that health environment
6 is not part of the scope, but I think part of that is
7 driving this. We all know what this plant means, and a
8 lot of folks in Tallahassee don't want it in our back
9 yard, even though we're going to make use of it.

10 And the gentleman from Perry that was with the
11 Economic Development Commission, I know he might not
12 have been -- he didn't actually come right out and say
13 this, but if he wants power for his wife's breathing
14 machines or whatever, this isn't going to make any
15 difference with that. He's not going to get a watt out
16 of this thing. And if he thinks he is, then he's very
17 uninformed, and if he knows he's not, he shouldn't be
18 representing it that way.

19 But at any rate, I guess that's enough. Thank
20 you very much for staying all this time, everybody.

21 CHAIRMAN EDGAR: Thank you, Mr. Lupiani.

22 MS. BRUBAKER: Joy Towles Ezell, please.

23 Thereupon,

24 JOY TOWLES EZELL

25 was called as a witness and, having been first duly

1 sworn, testified as follows:

2 DIRECT STATEMENT

3 MS. EZELL: Hello.

4 CHAIRMAN EDGAR: Hello.

5 MS. EZELL: Thank you very much for letting us
6 come and speak to you today. I want to say first that
7 you are treating us with way much more respect than we
8 usually get at our County Commission meetings in Taylor
9 County. You're very patient with us, and we really
10 appreciate it, and we appreciate you giving us the time
11 to come and share our concerns with you.

12 I'm so proud of my friends from Taylor County.
13 Aren't they wonderful?

14 COMMISSIONER CARTER: You're right.

15 MS. EZELL: They care about our county, and
16 they care about the families there, and it shows. You
17 can tell it by the way they speak from the heart. They
18 impress me again and again with their honesty and their
19 deep feelings.

20 I'm Joy Towles Ezell, 12677 Josh Ezell Road,
21 Perry, Florida. And, no, that's not a mistake. I live
22 on a road that was named after my husband and his
23 grandfather in Perry, Florida. I'm a Taylor County
24 resident. I'm a fifth generation Taylor County native.
25 And I'm very concerned about many, many factors

1 concerning this Taylor Energy Center.

2 I would like to clear up a couple of things
3 that may have confused y'all as people talked. For many
4 years, I've tried to get the Fenholloway River cleaned
5 up from the pollution from the Buckeye pulp mill.
6 Imagine my dismay when I heard that another polluter
7 wanted to locate right next to our very bad polluter
8 already.

9 And when I realized it was a coal-burning
10 plant, I thought, well, you know, the fish in the
11 Fenholloway, what few that are left, which are bowfin or
12 mudfish, which are really not suitable to eat, are
13 already contaminated with mercury, so much so that they
14 have a warning on them already. You should not eat any
15 fish from the Fenholloway due to the mercury already
16 from the pulp mill. Whenever you have a mill that uses
17 chlorine or chlorine dioxide, then automatically you
18 have a lot of mercury because of the discharges from the
19 mill. Any place where you use chlorine, you usually
20 have a lot of mercury.

21 The other fish that are in the Fenholloway,
22 there's a little tiny mosquito fish, and the scientists
23 have found that the female mosquito fish are changing
24 gender. They're taking on male sexual characteristics.
25 If that's not a canary in the coal mine, I don't know

1 what is. We need to be paying attention to these kind
2 of things.

3 One of the main chemicals that comes out,
4 toxins that comes out of the mill is dioxin, the same
5 chemical, 2,3,7,8-TCDD, that is in Agent Orange. Our
6 county is very, very polluted.

7 I can't possibly be as eloquent in telling you
8 about the pollution as my friend, Gail Deckert, was. I
9 think she told it. She didn't tell you, however, about
10 the wells. The wells two miles north and two miles
11 south of the river are already polluted by Buckeye's
12 effluent.

13 In Taylor County, we have an unconfined
14 aquifer. We have pretty much a layer of dirt, a layer
15 of rock, and underneath this is water. Where I live,
16 there's an unconfined aquifer underneath our home. So
17 that makes our county very, very subject to sinkholes.
18 As a matter of fact, the area around the mill is very
19 subject to sinkholes. The mill knows this very well.
20 The U.S. Geological Survey knows this very well.

21 In the earlier '70s when the mill was digging
22 their settlement ponds, which are supposed to be
23 treatment ponds, they were delayed an extra two years in
24 finishing those ponds because they kept developing
25 sinkholes. They had to blast and fill an extra two

1 years to even build those sinkholes (sic). And the
2 Taylor Energy Center is being planned just east of the
3 mill, and that area is also subject to sinkholes.

4 So it's in the wrong place. We've tried to
5 tell JEA that. At one of our very first meetings, I
6 spoke with them about the sinkholes and told them about
7 my concerns about that, but thus far they've not paid
8 any attention to that.

9 The gentleman who was on the end here,
10 Mr. Littlefield, from Pascagoula, Mississippi, would be
11 interested to know that in Pascagoula, Mobile, and
12 Palatka, there are known ALS clusters, Lou Gehrig's
13 disease. They've been identified in paper mill towns.
14 We've had quite a few friends who have died. I had one
15 just recently, Lewis Turner, who died with ALS not long
16 ago. So we know that there's probably an ALS cluster in
17 Perry. However, nobody has done a health study for
18 Perry.

19 It's interesting to know that a few years ago,
20 the cancer statistics came out in the Tallahassee paper
21 saying that Leon County had the highest cancer rate in
22 the state, and I pointed out to people, well, that's
23 easy to understand. People from Perry, where there's a
24 paper mill, go to Tallahassee to the hospital to die.
25 People from Port St. Joe, where there was a paper mill

1 back then, would come to Tallahassee to die. People
2 from Clyattville, Georgia, where there is a paper mill,
3 just north of Madison, would come to Tallahassee to die
4 in the hospital.

5 And it's interesting. What I found out along
6 the way is that the Bureau of Vital Statistics takes
7 where you die for the cancer statistics rather than
8 where you live. So I suggested to them that maybe they
9 should put another check mark, a little box on there to
10 check that you live in this county, even though you
11 might have died someplace else, because that makes the
12 cancer statistics wrong, statewide and everywhere. So
13 that's one thing I would like to get straightened out in
14 my lifetime.

15 It's interesting to know that the Taylor
16 Energy Center contract is with our County Commissioners,
17 and the contract they're writing up is for 30 years.
18 Tallahassee's part of it, from what I read, appears to
19 be 20 years. However, the coal plant is planned to last
20 from 50 to 60 years. The power consortium has agreed to
21 give Taylor County \$179 million, and that works to be
22 about 4.75 million per year. I'm wondering who pays the
23 hospital bills the second 30 years. Is the Public
24 Service Commission going to -- in 30 years going to pay
25 our hospital bills if those contracts are over with and

1 the power plant is still working, who knows being
2 operated by who by then? So that's one of my concerns.

3 The utility partners involved in the Taylor
4 Energy Center, which I also call every now and then the
5 Taylor Emphysema Center, the City of Tallahassee, Reedy
6 Creek Improvement District, which is Disney World, and
7 the FMPA, and the Jacksonville Electric Authority, don't
8 need the power to be generated by this bad plant,
9 because they've not all instituted as many adequate
10 energy saving measures as they possibly could.

11 The last few days, I've been reading about
12 smart meters. Have you heard about smart meters? Okay.
13 They're not being used in Florida yet.

14 Many experts say that cutting demand might be
15 faster and a more effective way to bolster the power
16 grid than building new power plants. It also represents
17 a seismic change in thinking for utilities, which have
18 historically seen their profits linked to how much
19 electricity they sell. So it costs less to not use
20 electricity than it does to construct new generation,
21 said Ray Dodder. And that's all in your handout that I
22 gave you there.

23 Smart meters encourage customers to reduce
24 demand when energy is needed the most. Currently, too
25 few residential households have enrolled in the

1 time-of-use programs to have a major impact on the power
2 grid, but with residential rates soaring, utility
3 officials say they believe more homeowners will be
4 willing to sign up for such programs. Time-of-use rates
5 should be the norm rather than the exception.

6 We would love to have that in Taylor county.
7 My power comes from Tri-County Electric from Seminole
8 Power, and we would love to have such a program. We
9 would also love to have a solar program where we could
10 have solar water heaters, and we're encouraging
11 Tri-County Electric and Seminole Electric to institute
12 those kind of programs. None of the utilities involved
13 in the TEC, as far as I've been able to determine, have
14 instituted the necessary needed energy saving measures.

15 How ironic is it that JEA has a solar program
16 in Jacksonville, but yet they want to come over to poor
17 little rural Taylor County and put a polluting
18 coal-fired power plant, and we don't even get the power?
19 What do we get from JEA? Just emphysema and asthma, I
20 think.

21 Tallahassee has had experts in energy
22 conservation and efficiency programs analyze
23 Tallahassee's system. These experts in the field have
24 no interest in this proceeding before this Commission,
25 and their analysis was an objective one. They advised

1 the City that they could conserve more than
2 160 megawatts of power if they implement demand-side
3 management that results in energy efficiencies and
4 conservation.

5 The City has approved implementation of these
6 programs already and is looking, I understand, at the
7 smart meters. I understand that JEA is also looking at
8 the smart meters. I think that maybe the Public Service
9 Commission should insist that all these utilities start
10 using smart meters. It would help us all.

11 Mr. Brinkworth, the City's witness in this
12 proceeding, told the City Commission that it could sell
13 the power from the Taylor County plant to third parties
14 if the City does not need the power and if the plant is
15 built. That confirms to me that the City does not need
16 the power, that they're just thinking, well, maybe we
17 can sell it, you know.

18 Tallahassee city utility customers will be
19 exposed to huge risk if this Commission approves the
20 plant's construction and the City remains a partner and
21 thus becomes obligated to purchase 20 percent of the
22 plant's output. I hope that you will protect
23 Tallahassee residents from the proposed imprudent
24 investment of 500 million or more which would be
25 required to secure power for the City from the Taylor

1 Emphysema Center. It's unreasonable and risky for the
2 City to make huge investments requiring relying upon a
3 very speculative belief that the City could find buyers
4 for such electricity when the City does not need the
5 power, but will be obligated to pay for it.

6 The Florida Department of Environmental
7 Protection, which I know very well, has advised the
8 Governor to implement a carbon emissions tax in Florida
9 within three years if the Federal Government does not
10 implement one. Regardless of what the Taylor Emphysema
11 Center's attorneys say on this matter, the cost of a
12 carbon tax was not considered when proposing this coal
13 burner. Nobody is capable of saying today that the
14 proposed Taylor County plant will be cost-effective when
15 the carbon tax is implemented.

16 It's not fair, in my opinion, for large
17 utility companies to decide to build a coal-fired power
18 plant in a community far away from where the companies
19 plan to use the power generated. They get the power,
20 and we get the pollution. Please protect all of us and
21 deny the request to build this plant. Every place else
22 in the world, people are becoming more and more aware
23 and concerned about global warning. We had all better
24 take heed here in Florida and in Taylor County.

25 On the back of your handout there, you'll find

1 a letter that I wrote to the U.S. Department of Energy
2 asking if any of the energy partners had had any
3 correspondence between Taylor County or any of the
4 municipal power companies had asked for any information
5 or if they had written to the DOE about funding for
6 IGCC, and you'll see their letters back.

7 And you'll also see a letter there from the
8 Taylor Energy Center to the County Commissioners in
9 Taylor County where they had passed a resolution saying
10 that if a coal-fired power plant is built in Taylor
11 County, that they were requesting that JEA consider
12 IGCC. There's a letter there from the Taylor Energy
13 Center about that, saying that they had been to a couple
14 of meetings, and they had all these excuses why they
15 couldn't get funding for IGCC, and it looks like they
16 saw Senator Robert Byrd at a hearing in Washington,
17 D.C., and they say that they have found no likely
18 sources of significant funding for IGCC, but the DOE has
19 no documentation of them asking for it. And that's all
20 in these letters.

21 CHAIRMAN EDGAR: Thank you, Ms. Ezell.

22 MS. EZELL: Thank you.

23 CHAIRMAN EDGAR: And we have three documents
24 that you have provided to us. I have them in three
25 pieces anyway, and we will put them together. And,

1 Ms. Brubaker, I'm at 102.

2 MS. BRUBAKER: That's correct. Thank you.

3 (Exhibit Number 102 was marked for
4 identification.)

5 CHAIRMAN EDGAR: All right. Thank you,
6 Ms. Ezell.

7 MS. EZELL: Thank you again for your kindness
8 and consideration.

9 CHAIRMAN EDGAR: You're welcome.

10 MS. BRUBAKER: The next speaker is Holly Binns
11 or Bines, to be followed by Haley Proctor.
12 Thereupon,

13 HOLLY BINNS
14 was called as a witness and, having been first duly
15 sworn, testified as follows:

16 DIRECT STATEMENT

17 MS. BINNS: Good afternoon, or should I say
18 almost evening, Madam Chairwoman and Commissioners.
19 Thank you for the opportunity to be here today and so
20 much for your patience in hearing everyone out. I think
21 it's pretty clear that there are a lot of concerns with
22 this proposal.

23 My name is Holly Binns, and I have headed up
24 the clean air and energy programs for Environment
25 Florida, which is a nonprofit organization based in

1 Tallahassee which dues-paying citizen members all around
2 the state, but several thousand of which are based in
3 Tallahassee and are City of Tallahassee ratepayers. So
4 I'm here on behalf of our citizen members, but also as a
5 City of Tallahassee ratepayer myself. And I would urge
6 you very strongly to move with caution as you determine
7 whether or not this is a power plant that we actually
8 need.

9 You know, I've heard some advice before that
10 the best public speakers follow the rule of the three
11 B's, be brief, be bright, be gone, so it's late in the
12 day, and I'll try to do that.

13 Much of my comments and the information I
14 wanted to share with you echo a lot of what Mr. George
15 Cavros shared with you earlier today. There are a
16 number of utilities and states that are integrating into
17 their utility planning the consideration for what is the
18 additional cost to ratepayers if and when carbon dioxide
19 emissions are capped. Certainly, there is more momentum
20 now to regulate carbon dioxide from the utility sector
21 and other sectors than there has been in any time I can
22 remember. You know, it was barely a whisper four or
23 five years ago, and now it seems to be building to a
24 crescendo. And it's hard to imagine that in the 30 or
25 so year life span of these power plants that we're not

1 going to be living in a carbon-constrained world, and
2 that clearly has a cost. And the way we've set up our
3 utility system in Florida, those costs will get passed
4 directly to the ratepayers and to the consumers.

5 I know that there was some sensitivity
6 analysis done in this proposal in terms of carbon costs,
7 and you're going to hear a little bit more about that
8 tomorrow from the expert witnesses, but I would warn you
9 to look at those numbers very closely, because I think
10 those numbers, you'll find the numbers they used were
11 awfully low when you compare them to the numbers used by
12 other entities, like, say, the Energy Information
13 Administration, or average prices in the carbon market
14 in the European Union and elsewhere. So I think that as
15 we're looking at this issue, we need to be really
16 careful that we're using the right numbers that give us
17 a realistic estimate of what those potential costs could
18 be.

19 Another thing that I wanted to just bring to
20 your attention is that there is an excellent study that
21 will be released in the next several weeks, I believe,
22 done by the American Council for an Energy Efficient
23 Economy and the Florida Solar Energy Center that looks
24 at the potential for meeting Florida's growing energy
25 needs with renewable energy, energy efficiency, and

1 energy conservation programs. It's being peer-reviewed
2 by experts in the energy industry and by economists here
3 in Florida.

4 I think it's something that you would be very
5 interested to hear, and I would urge you to perhaps wait
6 until you have an opportunity to look at the results of
7 this report before we decide that this is truly a power
8 plant that we need here in Florida, if this is the right
9 plant at the right place at the right time, or perhaps
10 energy efficiency and conservation would be the cheaper
11 and the faster way to meet the energy needs of the City
12 of Tallahassee, Jacksonville Electric Authority, Reedy
13 Creek, and the Florida Municipal Power Agency, and some
14 of the other utilities that I know will be here in the
15 coming months with similar proposals to build coal-fired
16 power plants.

17 So I'll wrap it up right there. I think
18 you've heard a lot from a lot of folks, and I don't want
19 to repeat anything you've already heard. But thank you
20 very much for this opportunity and for your patience
21 today in taking the time to hear everyone. We really
22 appreciate it.

23 CHAIRMAN EDGAR: Thank you, Ms. Binns. And
24 before you step away, tell me again -- I apologize for
25 having to ask this, but again, the report that you just

1 mentioned, and who and when it will be issued, by whom
2 and when.

3 MS. BINNS: Sure. The authors are the
4 American Council for an Energy Efficient Economy.
5 They're nationally recognized experts on energy
6 efficiency and energy conservation issues. And the
7 Florida Solar Energy Center has been helping them with
8 this report. And I know that there are a number of
9 experts in the energy and economics field here in
10 Florida that have looked at that report. I don't know
11 what the exact release date is, but the last I spoke to
12 them, sometime in early February is what they're looking
13 at. So it seems like it would be prudent to wait to see
14 what that says before we make a decision on whether to
15 build a -- whether we need a new power plant that's
16 going to be here for decades.

17 CHAIRMAN EDGAR: Thank you.

18 MS. BINNS: Thank you so much.

19 CHAIRMAN EDGAR: Thank you. Ms. Brubaker.

20 MS. BRUBAKER: Haley Proctor.

21 Thereupon,

22 HALEY PROCTOR

23 was called as a witness and, having been first duly
24 sworn, testified as follows:

25 DIRECT STATEMENT

1 MS. PROCTOR: Thank you very much for having
2 me here today. My name is Haley Proctor, and I am on
3 behalf of the University of Central Florida, which is in
4 Orange County, which will be one of the people who will
5 be receiving the energy.

6 Without being redundant, I cannot stress
7 enough the environmental degradation and health risks
8 that this plant will create. If we do not recognize
9 that the earth and the environment, its people and coal
10 and the actual plant -- the actual coal plant itself are
11 finite, we are sealing the fate of our society we've
12 been building for centuries and the planet that has been
13 around for billions of years to an early grave.

14 With the legislation being passed that has
15 been mentioned earlier on in the day to cap the CO₂
16 emissions, it leads me to suspect that not only will
17 this plant be conceived prematurely, but will also being
18 constructed hastily. As the plant's website states,
19 between 2002 and 2020, the Florida population will
20 increase 50 percent. The site also said that the plant
21 will not be built until 2019. I came here today to hear
22 some of the speakers, and the date was changed to 2012,
23 which furthers my conjectures that the pressure to beat
24 the legislation is a possible cause and the possibility
25 that haste would be involved.

1 With the statewide population increasing as
2 the main reason for the plant, according to the site, it
3 seems unjust that the only -- it seems unjust to only
4 supply certain counties based on the corporations if
5 it's a statewide fact.

6 As a senator at UCF, we have a bill this
7 semester for corporate divestment towards companies with
8 malicious results such as this coal plant. Obviously,
9 if and when this bill passes, that is over 40,000 Orange
10 County residents who will not want to be associated with
11 this.

12 Also, I want to ask the Chair if I have
13 permission to address a couple of questions if anyone is
14 able to answer them for me?

15 CHAIRMAN EDGAR: Generally we ask you the
16 questions.

17 MS. PROCTOR: Okay. Well, my main concern was
18 that I couldn't find anywhere on the site where the coal
19 would be coming from and the means of retrieving it,
20 whether it would be mountaintop removal or drilling it,
21 and the safety to ensure that the coal does not get -- I
22 know it said it will be sent by trains, but the safety,
23 that there will be no train accidents, and what will be
24 the possible causes of it, and how will they do that,
25 and also the safety and surety of the people working at

1 the plant, and if the company has done research into
2 alternative uses and means to -- outreach to lower the
3 energy use, and as also Joy addressed, what will happen
4 after the 30 years of funding is over, who will be
5 taking over for the funds.

6 CHAIRMAN EDGAR: Ms. Proctor, I appreciate you
7 asking the questions and putting them on the record. I
8 also know that there are representatives from the
9 applicant here who I'm sure would get glad, either today
10 or at a future time, to share some additional
11 information on all of those points with you, as would
12 our staff. We have staff here who can address some of
13 those questions in more detail.

14 Commissioners, do you have any questions for
15 Ms. Proctor? Seeing none, thank you very much.

16 MS. PROCTOR: Thank you. I also have one more
17 thing to add.

18 CHAIRMAN EDGAR: Okay.

19 MS. PROCTOR: I found this poster here that
20 you guys were endorsing about clean energy. In all
21 these cards, coal is not on these cards. But also,
22 notice that there's five aces, and there should only be
23 four. So please don't cheat us out of our life.

24 Thank you.

25 CHAIRMAN EDGAR: Thank you. Ms. Brubaker.

1 MS. BRUBAKER: I would like to try Mr. Carl
2 Ferguson again. He was not present when I called
3 earlier. If he is not in attendance, then that actually
4 concludes at all persons we had signed up previously to
5 speak.

6 CHAIRMAN EDGAR: Okay. Is there anybody in
7 the room or that you're aware of in the hall that would
8 like to speak to the Commission today on this matter
9 that has not yet been given an opportunity?

10 Okay. Seeing none, then were almost done for
11 today, I think. Ms. Brubaker, any procedural matters
12 that we need to address?

13 MS. BRUBAKER: One procedural matter that
14 immediately leaps to mind is one you actually touched on
15 earlier, that we have a number of items that have been
16 identified throughout the customer testimony portion.
17 And it's my understanding the parties would like the
18 opportunity to review those items prior to getting the
19 point where we would possibly move them into the record.
20 And so I think the suggestion was to take the actual
21 moving into the record tomorrow morning to give the
22 parties an opportunity to look at the documents.

23 We're happy to -- I'll be -- I won't speak for
24 everybody else. I'll be happy to stay this evening to
25 accommodate review of the documents, and we can

1 certainly also do so in the morning.

2 With that, that's the only matter I'm aware of
3 at this time that would need to be addressed.

4 CHAIRMAN EDGAR: Thank you. So again, just to
5 wrap up, the items that have been given to us through
6 the public testimony process I have as items that we
7 have marked 82 through 102, 82 through 102. And as
8 Ms. Brubaker said, we will -- if you will work with our
9 staff, and we will take those up when we reconvene in
10 the morning and begin with that. And then we also I
11 believe have some pending motions that we will need to
12 address in the morning, and then we will move to hearing
13 from the witnesses.

14 First off, let me say I appreciate everybody's
15 patience, everyone's. I think it has been a very useful
16 today. It has been very useful to me, and I'm sure to
17 my colleagues as well.

18 Tomorrow we will need to be tighter with our
19 time so that we can move through all of the testimony
20 that we need to hear and hear from the witnesses. So I
21 would ask all of you to work with me to keep your
22 witnesses, to the best of your ability, and your
23 questioning focused on the issues before us so we can
24 move through everything that we need to, and we will
25 work through that together.

1 Okay. Again, thank you to everybody. We are
2 adjourned for the day. We will reconvene at 9:30
3 tomorrow morning.

4 MS. BRUBAKER: Madam Chairman -- I'm sorry.

5 CHAIRMAN EDGAR: Ms. Brubaker.

6 MS. BRUBAKER: You just answered my question,
7 what time we're going to reconvene.

8 CHAIRMAN EDGAR: 9:30 tomorrow morning.

9 MS. BRUBAKER: Thank you.

10 CHAIRMAN EDGAR: Thank you.

11 (Proceedings recessed at 5:38 p.m.)
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CERTIFICATE OF REPORTER


STATE OF FLORIDA:

COUNTY OF LEON:

I, MARY ALLEN NEEL, Registered Professional Reporter, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 205 through 258 are a true and correct record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 11th day of January, 2007.


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