

ORIGINAL

Timolyn Henry

**From:** Michael Gross [mgross@earthjustice.org]  
**Sent:** Monday, March 12, 2007 4:07 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Laura Ewan; Bill Walker; Charles Beck; Harold Mclean; Jennifer Brubaker; Katherine Fleming; Lorena Holley; Michael P. Halpin; Myron Rollins; Natalie F. Smith; R. Wade Lichtfield; Shaw Stiller  
**Subject:** Intervenors' Preliminary Statement of Issues  
**Attachments:** Electronic Intervenors' Preliminary List of Issues.pdf

<<Electronic Intervenors' Preliminary List of Issues.pdf>>

Electronic Filing

A. Person responsible for this electronic filing

Michael Gross  
 111 S. Martin Luther King Jr. Blvd.  
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 850-681-0031  
 mgross@earthjustice.org

B. Docket No. 070098-EI

In Re: Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant

C. Documents are being filed on behalf of The Sierra Club, Inc. (Sierra Club), Save Our Creeks (SOC), Florida Wildlife Federation (FWF), Environmental Confederation of Southwest Florida (ECOSWF), and Ellen Peterson.

D. There are a total of 4 pages in the attached document.

E. The document attached for electronic filing is the Intervenors' Preliminary Statement of Issues.

Thank you for your attention and cooperation regarding this request.

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 RCA \_\_\_\_\_  
 SCR \_\_\_\_\_  
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 SEC \_\_\_\_\_  
 OTH \_\_\_\_\_

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FPSC-COMMISSION CLERK

*Because the earth needs a good lawyer*

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ENVIRONMENTAL LAW CLINIC AT STANFORD UNIVERSITY

March 12, 2007

Blanca Bayo  
Director, Office of the Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

**RE: Docket No. 070098-EI, Florida Power & Light Company's Petition to Determine Need for FPL Glades Power Park Units 1 and 2 Electrical Power Plant**

Dear Ms. Bayo,

Please find enclosed an electronic copy of Intervenors' Preliminary Statement of Issues filed on behalf of Intervenors, The Sierra Club, Inc. (Sierra Club), Save Our Creeks (SOC), Florida Wildlife Federation (FWF), Environmental Confederation of Southwest Florida (ECOSWF), and Ellen Peterson.

Thank you for your attention to this matter.

Sincerely,

/s/ Michael Gross

Michael Gross  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, FL 32301  
(850) 681-0031

CC: All Official and Interested Parties

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's  
Petition to Determine Need for FPL Glades  
Power Park Units 1 and 2 Electrical Power  
Plant

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DOCKET NO.: 070098-EI

INTERVENORS' PRELIMINARY LIST OF ISSUES

Pursuant to the request of the Staff of the Florida Public Service Commission, Intervenor hereby file their Preliminary List of Issues.

- Issue 1:** Is there a need for the proposed generating units, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519, Florida Statutes?
- Issue 2:** Is there a need for the proposed generating units, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statute?
- Issue 3:** Is there a need for the proposed generating units, taking into account the need for fuel diversity and supply reliability, as this criterion is used in Section 403.519, Florida Statutes?
- Issue 4:** Are there any conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?
- Issue 5:** Are the proposed generating units the most cost-effective alternative available, as this criterion is used in Section 403.519, Florida Statutes?
- Issue 6:** Based on the resolution of the foregoing issues, should the Commission grant FPL's petition to determine the need for the proposed generating units?
- Issue 7:** Whether FPL has adequately demonstrated that the proposed plants are the lowest risk alternative to provide needed capacity in the area that will be served by the proposed plants.
- Issue 8:** Whether FPL erroneously concluded in its filing that there are no additional DSM measures, which would mitigate the need for the proposed plant.

- Issue 9:** Whether conservation and DSM measures have been adequately valued and examined in connection with assessing the need for and appropriateness of the proposed new 1,960 MW pulverized coal and petroleum coke generating plants to be located in Glades County and, in light of all costs and risks associated with construction of pulverized coal plants (including costs related to complying with future CO2 regulations), efficiency, conservation and other DSM measures are likely to offer significant comparative benefits that will mitigate the need for the plants.
- Issue 10:** Whether the regulation of CO2 is sufficiently likely to warrant formal consideration in the needs determination for the FPL plants.
- Issue 11** Whether FPL's assessment of the proposed plants as the most cost-effective alternative adequately and appropriately accounts for the cost of complying with future CO2 regulation.
- Issue 12:** Whether FPL adequately and appropriately considered alternative new capacity options such as renewable energy sources, natural gas, and IGCC.
- Issue 13:** Whether the proposed plants are consistent with general principles of good integrated planning and portfolio management.
- Issue 14:** Whether FPL's proposed plants are the best resource choice for FPL in the contexts of fuel diversity and environmental compliance.
- Issue 15:** Whether FPL's environmental compliance scenarios adequately capture the possible range of compliance costs.

Respectfully submitted this 12<sup>th</sup> day March 2007.

/s/ Michael Gross

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Attorney for Intervenors

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this 12th day of March, 2007, via electronic mail and US Mail on:

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/s/ Michael Gross  
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