

# ORIGINAL

**Timolyn Henry**

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**Sent:** Monday, March 26, 2007 2:51 PM  
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**Subject:** Intervenors' Motion for Reconsideration, Request for Oral Argument  
**Attachments:** Request for Oral Argument.pdf; Intervenors' Motion for Reconsideration, Clarification.pdf

<<Request for Oral Argument.pdf>> <<Intervenors' Motion for Reconsideration, Clarification.pdf>>

Electronic Filing

A. Person responsible for this electronic filing

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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 8 pages in Intervenors' Motion for Reconsideration and/or Clarification. There are a total of 3 pages in Request for Oral Argument.

E. The documents attached for electronic filing are Intervenors' Motion for Reconsideration and/or Clarification and Request for Oral Argument.

Thank you for your attention and cooperation regarding this request.

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# ORIGINAL

## 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

### REQUEST FOR ORAL ARGUMENT

Intervenors, The Sierra Club, Inc. (Sierra Club), Save Our Creeks (SOC), Florida Wildlife Federation (FWF), Environmental Confederation of Southwest Florida (ECOSWF), and Ellen Peterson (Intervenors), pursuant to Rule 25-22.022, Florida Administrative Code, hereby file their Request for Oral Argument on their Motion for Reconsideration and/or for Clarification of the Order Granting Petition for Intervention, Order No. PSC-07-0238-PCO-EI, issued on March 16, 2007, filed concurrently herewith, and state:

#### **I. INTRODUCTION**

1. On February 1, 2007 Florida Power & Light Company (FPL) filed a petition for determination of need for Glades Power Park Units 1 and 2 electrical power plants in Glades County. The matter has been scheduled for a formal administrative hearing on April 16-17, 2007. The Intervenors filed a Petition to Intervene on March 5, 2007. FPL filed a response to the petition on March 9, 2007. The Prehearing Officer issued an Order Granting Petition for Intervention on March 16, 2007 (the Order).

2. Although the Order granted intervention to Intervenors and found that they have standing in this docket, the Order found that the Intervenors do not have standing with regard to their assertion that their members will be directly affected by the cost of impacts of future carbon regulation, which would unnecessarily increase rates paid by them as customers of FPL. The

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Order found that “such assessments are speculative and conjectural, rather than real and immediate in nature.” The Order further stated the decision to grant intervention “should not be construed to permit the Intervenors to raise arguments supporting their second...” assertion of standing. The Order referred to the Intervenors’ contention that they will be directly affected by the cost impacts of future carbon costs as their second assertion of standing. Intervenors filed a Motion for Reconsideration and/or for Clarification concurrently with this Request for Oral Argument.

3. Oral argument would aid the Commissioners or Prehearing Officer in understanding and evaluating the issues to be decided due to the inherent difficulty in applying the standards for reconsideration in this legal and factual context, the complex chronology of events, the highly technical nature of the issues, the complexity of the facts, and the level of difficulty and subtlety in the law of standing and scope of an intervenor’s right to participate and present evidence at the formal hearing of the case.

4. Intervenors request 20 minutes to present their arguments and an equal amount of time for each participating party.

Wherefore, Intervenors respectfully request that an order granting oral argument be entered with 20 minutes allocated to each participating party.

Respectfully submitted this 26<sup>th</sup> day of March 2007.

/s/ Michael Gross

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Attorney for Petitioners

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this 26<sup>th</sup> day of March, 2007, via electronic mail and US Mail on:

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