

ORIGINAL

Timolyn Henry

From: Minimushomines@aol.com
Sent: Monday, May 07, 2007 4:17 PM
To: Filings@psc.state.fl.us
Cc: Jennifer Brubaker; Katherine Fleming; Lorena Holley; Charles Beck; TPerdue@stileslawfirm.com; Wade_Litchfield@fpl.com; bill_walker@fpl.com; rollinsmr@bv.com; shaw.stiller@dca.state.fl.us; mike.halpin@dep.state.fl.us; mgross@earthjustice.org; JanKArtist@aol.com
Subject: PostHearing Statement Brief 070098-EI, intervenors, Krasowski
Attachments: Brief First Draft.doc

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Dear PSC Filing Officer,
 Please find attached documents referenced below.

7 May, 2007
 4:15 PM

Thank You
 Bob Krasowski

A) Jan and Bob Krasowski
 1086 Michigan Avenue
 Naples, Florida 34103
 239-434-0786
 Minimushomines@aol.com

B) Docket # 070098EI
 Petition for Determination of Need for Glades Power Park Units 1&2 Electrical Power Park in Glades County By Florida Power and Light Company

C) Jan and Bob Krasowski

D) 10 pages in attached document

E) Pages 1-8 The Krasowski's Post Hearing Statement of Issues and Positions Docket 070098EL, Brief
 Pages 9-10 Certificate of Service

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ORIGINAL

In re: Petition for Determination of Need for
and Electrical Power Plant in Glades County
Florida by Florida Power and Light.

Docket No. 070098-EI
Dated May 4th, 2007

**JAN MARTINS KRASOWSKI AND BOB KRASOWSKI
POST-HEARING STATEMENT OF ISSUES AND POSITIONS
Docket 070098-EI**

Statement of Basic Position

The initial reason we, Jan Martins Krasowski and Bob Krasowski, petitioned to participate as interveners in the Public Service Commission (PSC) determination of need process for the proposed Florida Power and Light (FPL) Florida Glades Power Park (FGPP) project, docket 070098-EI, was, our concern **that there was no clear understanding of all the energy options, from efficiency to clean energy integration strategies, and until there was a clear understanding of all the options, no single project with such far reaching economic and environmental “environomic” impacts should be permitted.**

We wanted to advocate for a program that would provide for our community’s electricity needs in a prudent, rationally sustainable way that would provide for electric system reliability and integrity, adequate electricity at a reasonable cost, take into account the need for fuel diversity and supply reliability while also answering the question, 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?

Now, after experiencing the needs hearing portion of the process, we believe the FP&L proposed FGPP project does not represent a project that would provide for our community’s electricity needs in a prudent rationally sustainable way. A way that satisfies the criteria for electric system reliability and integrity, adequate electricity at a reasonable cost, taking into account the need for fuel diversity and supply reliability while also answering the question, 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?

Initially, based on our understanding of our culture’s, national and local, excessive, inefficient use of energy and our minimal use of clean energy sources, with a particular awareness of the fact that maximum efficiency practices are not integrated into our day to day lives, we held the opinion that a thorough, comparative analysis of all our energy generating and usage policy and program options was needed.

We believed such an analysis would lead to the realization that the FGPP is completely, for energy provision purposes, unnecessary.

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FPSC-COMMISSION CLERK

The representation of energy efficiency strategies and conservation and clean energy options was less than satisfactory in terms of providing a clear understanding of what is available. If the intention was to illuminate opportunities for efficiency and integration of clean energy generation into the FPL power grid it was unsuccessful.

Also, we understand that the energy needs projection have been estimated based on population and economic projections that are now in question.

Representations made by FPL as to their successes regarding the DSM component of conservation efforts and their claims of leadership in the realm of renewable energy fall far short of showing how they in their role as energy providers can help address the more important issue of how our civilization can reduce, to the greatest extent possible, the negative impacts that our current power programs have on our lives, economy and environment.

FPL's programs can not be adequately evaluated without an independent and thorough comparison of their programs to the programs of other utilities. Without first independently studying their programs with the RIM and participation tests and then, comparatively studying the same programs under the TRCT test we are left without the crucial information we need to answer in terms of issues 1 through 8.

The programs and system's analysis offered at the PSC hearing within the ACEEE document and the testimony of Sierra Club witness Plunkett contain the basis for additional analysis to be used in a broader discussion that would allow for the open and free debate necessary to illuminate the best circumstances under which an energy policy and rules of implementation can be developed in the State of Florida. Though correctly criticized by Mr. Brandt, the ACEEE document containing mathematical inaccuracies still contains relevant and important information that can guide Florida to a more efficient energy experience. And more specifically mitigate the need for the FGPP.

Issues and Positions

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?

POSITION: No, as stated in our pre-hearing document, there is no demonstrable need for the FPL power generating units since the issues of reliability and integrity have yet to be determined by comparing the proposed facilities to a

comprehensive application of efficiency measures and other technologies.

Evidence has been presented suggesting that programs and practices that conserve energy and develop greater distributive and localized energy generation could provide greater system reliability than the giant centralized power generating facility proposed.

The load forecast need presented by FPL appears to be over-inflated. Caution is indicated because of the current economic and population slowdown and concerns about future economic and population growth. (Bloomberg, Wachovia Bank, J. Scott Halzelton of Global Insight).

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?

POSITION: No. Given there is no thorough and comprehensive comparative analysis of this proposal to alternate strategies for providing for the power needs of FPL customers, no reasonable cost can be assigned to this proposal.

According to FPL's testimony, they have adequate coverage for their near term energy needs (Sim). With a delay/denial of this proposal there will be sufficient time to perform, by a few competent independent analysts, a complete comparative analysis, of all energy options available to the people of Florida. These analysts could follow the positive suggestions described in part by the ACEEE report (included as part of Exhibit 153) as well as the suggestions embodied in Mr. Plunkett's testimony and comments. This independent analysis should be Florida specific and FPL specific. Mr. Brandt of FP&L and Ms. Perdue of Associated Industries of Florida were keen to recognize the inadequacy of any independent analysis that was not specific to Florida and/or FP&L. This analysis would lead to identifying how adequate electricity at a reasonable cost can be provided to FP&L customers.

It must also be noted that in their application and throughout the hearing FPL suggested that fuel diversity over-ride the issue of cost in determining the need for FGPP.

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?

POSITION: No. Without a comparative analysis of all fuel types and fuel avoidance strategies, it has not been determined which energy generating scenario actually provides the greatest benefit for fuel diversity and supply reliability.

Coal, a fossil fuel, represents diversity in a very limited way. In terms of supply reliability, coal's availability is no more guaranteed than any other fossil fuel and has the same transportation problems that other fossil fuels have. Efficiency and on-site generation capacity represent the best aspects of fuel diversity and supply reliability.

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?

POSITION: Yes, and the fact that a large number of options are being considered by various legislative bodies and commissions for implementation into a state energy policy demonstrate that a position favorable to moving forward with this project is premature. Also, to the benefit of the utilities, a number of programs that address financial enhancement of the utilities efforts at profitably promoting conservation are in discussion.

According to the testimony of Mr. Plunkett, there are a number of programs, policies, laws and strategies used in other jurisdictions and states that can be integrated into FPL's overall program that can cause the deferral for the need of a substantial amount of electric generating capacity. This opportunity to build on, or replace altogether, less effective energy generating deferral programs is also understood by a number of research organizations that have insight into efficiency, conservation, innovative strategies and implementations that are available to defer the need for the FGPP proposal. Given the

seriousness and complexity of the FGPP proposal, no approval of a need determination should be given without the benefit of understanding all the options available. This would require a number of independent analysis, of all our options.

Much work has been done to date to integrate efficiency and clean energy programs into Florida's utility systems. But as a result of recent climate change concerns and the suggested imposition of a major source of air pollution into the midst of an international environmental treasure, the people of the State of Florida are calling for a broader analysis of energy policy and strategies.

Locally, the works of the Florida Solar Energy Center, Lakeland Utilities, the City of Tallahassee represent efforts to initiate discussion on creative ideas that may be implemented in broader system-wide applications. Committees charged by the State Legislature to generate ideas and discussion in preparation for developing strategies and policies related to energy issues, namely the Century Commission and the Florida Energy Commission, are in their formative stages and will undoubtedly influence overall Florida energy policy when they create the Florida energy plan over the next couple of years. New hopes and fresh thinking have been promised to the people of Florida by their new governor. In his State of the State speech he remarked that he will "Bring together the brightest minds to begin working on a plan for Florida to explore ground breaking technologies and strategies that will place our State at the forefront of a growing world-wide movement to reduce greenhouse gases." All above referenced groups and organizations save the Century Commission were referenced in exhibits 206-209 and 212.

It appears, from our point of view, based on what we have heard and seen in the course of this hearing, that FP&L is constrained in their view and must make a greater effort to apply their substantial resources and talents to break free of the restrictions and limitations of their current analysis of their possibilities.

ISSUE 5: Has FPL appropriately evaluated the cost of C02 emission mitigation costs in its economic analysis?

POSITION: No, apparently not. Their assessment of the future costs of CO2 mitigation is at the low end on the scale of probabilities.

We have observed the efforts of Mr. Charles Beck from the Office of Public Council to investigate the options regarding proper assessment of costs attributable to potential CO2 regulation. As residents of the State of Florida we leave our fate in regard to this issue in his able hands.

ISSUE 6: Do the proposed FGPP generating units include the costs for the environmental controls necessary to meet current state and federal environmental requirements, including mercury, NOX, SO2, and particulate emissions?

POSITION: No.

Since this is said to be the first plant of its kind proposed to operate in the United States, and proposed in a subtropical environment with proposed water sources drawn from different qualities of water and salinity it would be difficult in not impossible to assess the costs of environmental controls.

ISSUE 7: Are the proposed generating units the most cost-effective alternative available, as this criterion is used in Section 403.519, Florida Statutes?

POSITION: No. Energy saved through efficiency and conservation is the most cost effective energy resource available. Until a thorough, comprehensive, comparative analysis of all available opportunities to maximize efficiency and conservation are performed, no determination can be reasonably made.

Mr. Plunkett's testimony provides a chart that can be used to estimate energy saving potential if the funds directed to the construction and operation of FGPP, including annual fuel costs are directed toward conservation programs rather than building the plant. It would be imprudent to move forward with this project without first analyzing and understanding all of our options.

ISSUE 8: Based on the resolution of the foregoing issues, should the Commission grant FPL's petition to determine the need for the proposed generating units?

POSITION: If the comparative analysis of all options is concluded and available, and all legislative bodies, appointed commissions and the Governor's office have finished their research regarding energy policy in the State of Florida then FPL's petition can be considered. We suggest that action on FPL's request be deferred for no less than 3 years or completely denied.

ISSUE 9: Should this docket be closed?

POSITION: Yes, differed for 3 years or denied, closed.

Summary of positions:

Essentially, it is the position of the interveners, Jan and Bob Krasowski, that the applicant, FP&L has not demonstrated that they have adequately considered all opportunities for conservation and in our assessment have not sought out all of what is reasonably available to them in terms of information which would mitigate the need for the proposed generating units identified as the FGPP proposal.

DSM, effective to a degree to this point, alone does not represent all that needs to be considered regarding efficiency and conservation.

As Mr. Brandt made clear DSM is voluntary with only a portion of the customer base participating.

We believe FP&L should put more effort into considering and analyzing the programs working in other states that were presented by Mr. Plunkett. This should be done in order to analyze opportunities specifically relevant to the Florida situation. Not aligning the out of state programs with Florida specific data represented a flaw in the presentation of the important data contained in Mr. Plunkett's testimony but does not negate the value of researching the programs mentioned. The ACEEE report mentioned by Mr. Plunkett and critiqued by Mr. Brandt and others contained some miscalculations but there are a number of other firms that can provide, hopefully with greater accuracy, analysis similar to that done by ACEEE that can be helpful in mitigating the need for this plant.

A comprehensive, comparative analysis, of all Florida Power and Light energy saving opportunities; efficiency and conservation, alternative clean energy technologies and how all of these may be implemented for best result needs to be done by FP&L and an independent Public interest group, for comparison. This so we can be sure that what is approved in the future represents responsible and prudent actions as they relate to the community's interest at large.

Respectfully submitted this 7th day of May 2007,

s\ Jan Martins Krasowski

s\ Bob Krasowski

Bob Krasowski
1086 Michigan Avenue
Naples, Florida 34103
239-434-0786

Minimushomines@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this 7th day of May, 2007, via electronic mail and US Mail on:

Florida Power & Light Company
R. Wade Lichtfield
Natalie F. Smith
700 Universe Boulevard
Juno Beach, FL 33408
Email: Wade_Litchfield@fpl.com
Natalie_Smith@fpl.com

Florida Public Service Commission
Katherine E. Fleming, Esq.
Jennifer Brubaker, Esq.
Lorena Holley, Esq.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Email: keflemin@psc.state.fl.m
jbrubake@psc.state.fl.us
lholley@pc.state.fl.us

Florida Power & Light Company
Mr. Bill Walker
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1859
Email: bill_walker@fpl.com

Office of Public Counsel
Charles J. Beck, Esq.
Deputy Public Counsel
c/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, Fl, 32399-1400
Email: beck.charles@leg.state.fl.us

Black & Veatch
Myron Rollins
11401 Lamar Avenue
Overland Park, KS 66211
Email: rollinsmr@bv.com

Associated Industries of Florida
Tamela Ivey Perdue
Stiles, Taylor & Grace, PA
PO Box 1140
Tallahassee, FL 32301
Email: tperdue@stileslawfirm.com

Department of Community Affairs
Shaw Stiller
Division of Community Planning
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
Email: shaw.stiller@dca.state.fl.us

Bob and Jan Krasowski
1086 Michigan Avenue
Naples, Fl, 34103-3857
Email: Minimushomines@aol.com

Department of Environmental Protection
Michael P. Halpin
Siting Coordination Office
2600 Blairstone Road MS 48
Tallahassee, FL 32301
Email: mike.halpin@dep.state.fl.us

Earthjustice
M. Gross/D. Guest/M. Reimer
111 S. Martin Luther King Jr. Blvd.
Tallahassee, FL 32301
Email: mgross@earthjustice.org