

**Dorothy Menasco**

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**Sent:** Thursday, August 09, 2007 1:05 PM  
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**Subject:** SWA's Intervention in Docket Nos. 070232-EQ; 070234-EQ; 070235-EQ; 070236EQ  
**Attachments:** 080907SWAPetitionForLeaveToInterveneFINAL.doc

**ORIGINAL**

**1. Attorney responsible for this electronic filing:**

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**2. Docket numbers and titles in which filing is submitted:**

DOCKET NO. 070232-EQ -- In re: Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of tariff schedule REF-1, by Gulf Power Company

DOCKET NO. 070234-EQ -- In re: Petition for approval of renewable energy tariff standard offer contract, by Florida Power & Light Company

DOCKET NO. 070235-EQ -- In re: Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.

DOCKET NO. 070236-EQ -- In re: Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company

**3. Party on whose behalf this filing is submitted:**

The Solid Waste Authority of Palm Beach County, Florida

**4. Total number of pages in filing:**

7 pages

**5. Document attached:**

Petition for Leave to Intervene of The Solid Waste Authority of Palm Beach County, Florida

*Rich Zambo*

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DOCUMENT NUMBER-DATE

06999 AUG-9 5

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**ORIGINAL**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for approval of new standard offer for purchase of firm capacity and energy from renewable energy facilities or small qualifying facilities and approval of tariff schedule REF-1, by Gulf Power Company.

DOCKET NO. 070232-EQ

In re: Petition for approval of renewable energy tariff standard offer contract, by Florida Power & Light Company.

DOCKET NO. 070234-EQ

In re: Petition for approval of standard offer contract for purchase of firm capacity and energy from renewable energy producer or qualifying facility less than 100 kW tariff, by Progress Energy Florida, Inc.

DOCKET NO. 070235-EQ

In re: Petition for approval of standard offer contract for small qualifying facilities and producers of renewable energy, by Tampa Electric Company.

DOCKET NO. 070236-EQ

**Filed August 9, 2007**

**Petition for Leave to Intervene  
of  
The Solid Waste Authority of Palm Beach County, Florida**

Pursuant to Rule 25-22.039, F.A.C., the Solid Waste Authority of Palm Beach County, Florida ("SWA") by and through its undersigned attorney, hereby files this Petition for leave to Intervene as a full party in interest to the captioned proceedings. In support of thereof, Petitioner states as follows:

1. The name, address, and telephone number of the Petitioner are as follows:

Solid Waste Authority  
7501 North Jog Road  
West Palm Beach, FL 33412  
Attn: Dr. Marc C. Bruner  
Phone (561) 640 4000, ext. 5607  
Fax (561) 640 3400  
mail [mcbruner@swa.org](mailto:mcbruner@swa.org)

DOCUMENT NUMBER-DATE

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2. Copies of all correspondence, pleadings, and other documents should be provided to:

Richard A. Zambo  
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3. The SWA disposes of approximately 1.3 million tons of municipal solid waste annually. Approximately 800 thousand tons of this total is delivered to its waste-to-energy facility – a Renewable Energy Facility under Florida law and a Qualifying Facility under Federal Law. At the facility, the solid waste undergoes processing to separate recyclable materials, primarily ferrous metal and aluminum, from non-recyclable materials. The non-recyclable materials are further processed into a material known as refuse derived fuel (“RDF”).

**Statement of Substantial Interests**

4. For the reasons listed below, but not limited to those reasons, the substantial interests of the SWA will be directly affected by the Commission’s decision in this proceeding and are the type of interests that this proceeding is designed to protect. *See, e.g., Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981).

- (i) The SWA’s facility fires the RDF in steam boilers to produce steam for use in the waste-to-energy facility's 62 mW steam turbine-generator. The facility thereby generates approximately 450 thousand mWh of renewable electricity annually, the majority of which is sold to Florida Power and Light Company (FPL), pursuant to a contract for firm energy and capacity. That contract expires in 2010, thereby allowing the SWA to sell capacity and/or energy beginning after expiration, pursuant to the Standard Offer Contracts that are the subject of these proceedings.

- (ii) In addition to the existing facility, there is a possibility that the SWA's existing waste-to-energy facilities may be expanded, or that the SWA would construct one or more additional renewable energy facilities - such as a landfill gas facility.
- (iii) Moreover, and in addition to generating and selling electricity produced by the waste-to-energy facility, the SWA and Palm Beach County consume substantial quantities of electricity that is purchased from FPL.

**Disputed Issues Of Fact**

5. Without waiving or relinquishing the right to allege additional disputed issues of fact at a later date, the SWA's allegations of disputed issues of fact include the following:
- (i) Whether the renewable energy contracts (and/or tariffs) which are the subject of these proceedings will appropriately promote the development of renewable energy resources in the State as required by Florida law.
  - (ii) Whether the payments, contract terms and conditions established by, and the policies reflected in, said renewable energy contracts (and/or tariffs) are specifically designed to promote renewable energy resources in the State as required by Florida law.
  - (iii) Whether the calculation of avoided capacity payments, avoided energy payments, and as-available energy payments and costs that are reflected in the renewable energy contracts (and/or tariffs) are accurate and appropriate and based on correct and permissible assumptions.
  - (iv) The payments, calculations, terms and conditions established by said renewable energy contracts (and/or tariffs) raise additional disputed issues of material fact that can only be resolved by a formal hearing.

**Disputed Issues of Law**

6. Without waiving or relinquishing the right to allege additional disputed issues of law at a later date, the SWA's allegations of disputed issues of law include the following:
- (i) Whether the renewable energy contracts (and/or tariffs) which are the subject of these proceedings are in compliance with the requirements and intent of the Legislature.
  - (ii) Whether the calculations of avoided capacity payments, avoided energy payments, and as-available energy payments and costs that are reflected in the renewable energy contracts (and/or tariffs) are accurate and appropriate and based on correct and permissible assumptions.
  - (iii) The payments, calculation, terms and conditions established by said renewable energy contracts (and/or tariffs) raise additional disputed issues of law.

**Statement Of Ultimate Facts**

7. Without waiving or relinquishing the right to allege additional ultimate facts at a later date, the SWA's allegations of ultimate facts include the following:
- (i) that matters within the scope of this proceeding will affect the cost, availability, reliability and security of electricity supplies;
  - (ii) that matters within the scope of this proceeding will determine to what extent renewable energy resources will be promoted;
  - (iii) that the renewable energy contracts (and/or tariffs) which are the subject of these proceedings are not specifically designed to promote renewable energy resources and fail to appropriately promote such resources;

- (iv) that avoided capacity payments, avoided energy payments, and as-available energy payments and costs that are reflected in the renewable energy contracts (and/or tariffs) are based on inaccurate calculations and incorrect assumptions that understate avoided costs and resulting payments to renewable energy facilities;
- (v) that the renewable energy contracts (and/or tariffs) which are the subject of these proceedings do not comply with the requirements, intent and policies articulated by the Florida Legislature.

**Applicable Statutes and Rules:**

8. Applicable statutes and rules in this proceeding include, but are not limited to: Chapter 366.91, Florida Statutes; Chapter 25-17, F.A.C.; Rule 25-22.039, F.A.C.; Rule 28-106.201(2), F.A.C.; Rule 28-106.205, F.A.C and Rules 25-17.200 through 25-17.310, Florida Administrative Code, by which the Commission has implemented the requirements of Section 366.91.

**Agency Affected:**

9. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

*(the remainder of this page is intentionally left blank)*

WHEREFORE, the SWA respectfully requests that the Commission enter an Order granting this Petition for Leave to Intervene as a full party in interest to each of the captioned proceedings.

RESPECTFULLY submitted on August 9, 2007.

/s/ **Richard A. Zambo**

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Attorney for: The Solid Waste Authority  
of Palm Beach County, Florida

**CERTIFICATE OF SERVICE**



I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished electronically or by U.S. mail this 9<sup>th</sup> day of August, 2007, to the following:

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/s/ Richard A. Zambo

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Richard A. Zambo