

Matilda Sanders

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Sent: Tuesday, December 18, 2007 4:34 PM
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Subject: Docket #070650-EI
Attachments: OUC List of Issues - FPL Docket 070650-EI.12-18-07.doc



OUC List of
ues - FPL Dock

In accordance with the electronic filing procedures of the Florida Public Service Commission, Orlando Utilities Commission makes the following filing:

a. The name, address, telephone number and email of the person responsible for the filing is:

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b. This filing is made in Docket No. 070650-EI, In re: Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant, by Florida Power & Light Company.

c. The document is filed on behalf of Orlando Utilities Commission.

d. The total number of pages in the document is 4, including an attached certificate of service.

e. The document attached for filing is Orlando Utilities Commission's Preliminary List of Issues.

(See attached file: OUC List of Issues - FPL Docket 070650-EI.12-18-07.doc).

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DOCUMENT NUMBER-DATE

11028 DEC 18 5

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Turkey
Point Nuclear Units 6 and 7 electrical power
plant, by Florida Power & Light Company.

DOCKET NO. 070650-EI
FILED: December 18, 2007

ORLANDO UTILITIES COMMISSION'S
LIST OF PRELIMINARY ISSUES

The Orlando Utilities Commission, ("OUC"), through its undersigned counsel, pursuant to the Case Assignment and Scheduling Record (CASR) in this docket submits its Preliminary list of Issues as follows:

1. Does not 403.519(4)(b), Fla. Stat., stating that the Commission shall "take into account matters within its jurisdiction, which it deems relevant" allow the Commission to conclude that co-ownership is relevant especially in light of (4)(b)(2) which requires the Commission to consider whether the approval will enhance the reliability of power production within the state (not just in FPL's territory) and (4)(b)(3) requiring the Commission to take into account the plant's contribution to the long-term stability and reliability of the electric grid?
2. Did Florida Power and Light's Petition, as required by Rule 25-22.081 (2) (d) F.A.C., contain a summary of any discussions Florida Power and Light had with other electric utilities concerning the other electric utilities' ownership of a portion of the Florida Power and Light nuclear plant?
3. Pursuant to 403.519(4)(a)(5), Fla. Stat., and Rule 25-22.081(2)(d) F.A.C., does the Florida Power & Light Petition contain sufficient facts to demonstrate that the required discussion with OUC have taken place regarding an ownership interest in Florida Power & Light's proposed nuclear power plant?
4. Does 403.519(4)(a)(5), Fla. Stat., and Rule 25-22.081(2)(d) F.A.C., create any duty on Florida Power & Light ("FPL") to initiate discussion with other utilities that might have an interest in ownership of a portion of the nuclear plants or is this legislation and rule meaningless and may be ignored all together (FPL says they can satisfy law and rule by not having any discussions and reporting that fact at FPL Response, Paragraph 2, page 2)?
5. Does OUC, a utility that presently has ownership in two nuclear power plants, have a substantial interest in having meaningful discussions with Florida Power & Light regarding ownership of a portion of the nuclear power plants at issue here as required by 403.519(4)(a)(5), Fla. Stat.??

DOCUMENT NUMBER-DATE

11028 DEC 18 5

FPSC-COMMISSION CLERK

6. Should the Commission infer any intent by Legislature from actions that were not taken by the Legislature (an amendment was proposed but withdrawn)?

WHEREFORE, OUC requests that the issues delineated above, be added to the Issues

List in this docket.

Respectfully submitted this 18th day of December, 2007.

s/Roy C. Young
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**Attorneys for Orlando Utilities
Commission**

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Petition to Intervene has been furnished by electronic mail and/or U.S. Mail this 18th day of December 2007 to the following:

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