

**Dorothy Menasco**

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**From:** Karen.Culpepper@fmpa.com  
**Sent:** Wednesday, December 19, 2007 4:45 PM  
**To:** Filings@psc.state.fl.us  
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**Subject:** FMPA Filing in PSC Dkt. 070650-EI  
**Attachments:** FMPA Motion for Leave to Reply - 12-19-2007.doc

Hi Matilda,

Attached for filing is **Florida Municipal Power Agency's Motion for Leave to File a Reply** in PSC Docket **070650-EI**.

The document has four (4) pages. Please contact me either by email or telephone if you have any questions.

As always, thank you for your assistance!

Karen

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DOCUMENT NUMBER-DATE

11049 DEC 19 5

FPSC-COMMISSION CLERK

12/19/2007

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 19, 2007

FLORIDA MUNICIPAL POWER AGENCY'S  
MOTION FOR LEAVE TO FILE A REPLY

Florida Municipal Power Agency (FMPA), pursuant to rule 28-106.204, Florida Administrative Code, files this Motion for Leave to File a Reply to Florida Power & Light Company's Response in Opposition to FMPA's Petition to Intervene, and in support therefore states as follows:

1. On October 16, 2007, Florida Power & Light Company (FPL) filed a Petition to Determine Need for two nuclear-fueled generating units that will add substantial capacity to the Florida grid. On December 7, 2007, FMPA filed a Petition to Intervene in the proceeding in support of FPL's need petition, asserting that its substantial interests will also be affected by the Commission's determination in this proceeding. On December 14, 2007, FPL filed a Response in Opposition to FMPA's Petition to Intervene.

2. FPL's opposition to FMPA's intervention in this proceeding is misguided and does not accurately portray FMPA's interests. FPL's opposition is based on its mistaken interpretation of section 403.519, Florida Statutes, and rule 25-22.081, Florida Administrative Code, which FPL contends do not contemplate the relief requested by FMPA. Although FPL acknowledges that there is both a Florida Statute and Commission rule relating to discussions with other electric utilities regarding joint ownership of a proposed nuclear power plant, FPL contends that such other electric utilities have no place in the need proceeding to ensure that FPL accurately portrays these discussions to the Commission.

3. As this is the Commission's first opportunity to interpret the recent amendments to section 403.519, Florida Statutes, and rule 25-22.081, Florida Administrative Code, regarding nuclear power plants, FMPA intends in its Reply to offer a response to the arguments raised by FPL.

4. Pursuant to rule 28-106.204(3), Florida Administrative Code, FMPA has contacted the parties of record in this docket to determine whether there are any objections to this Motion. FMPA represents that the Office of Public Counsel, Seminole Electric Cooperative, Inc., the Florida Municipal Electric Association, Inc., the Orlando Utilities Commission, and Bob and Jan Krasowski have no objection. The other parties have not responded.

**WHEREFORE**, FMPA requests the Commission accept FMPA's Reply to FPL's Response in Opposition to FMPA's Petition to Intervene.

Respectfully submitted this 19<sup>th</sup> day of December, 2007.

s/Frederick M. Bryant

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**Attorneys for Florida Municipal  
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**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 U.S. Mail this 19th day of December, 2007 to the following:

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