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Subject: Docket No. 070650-EI
Attachments: JEA prehearing stmt 1-9-08.doc

Attached is JEA's Pre-Hearing Statement.

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FPSC-COMMISSION CLERK

1/9/2008

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)
Petition to Determine Need for)
Turkey Point Nuclear Units 6 and 7)
Electrical Power Plant)

Docket No. 070650-EI

Filed: January 9, 2008

JEA'S PRE-HEARING STATEMENT

COMES NOW, JEA, by and through its undersigned counsel, and pursuant to Order Number PSC-07-0869-PCO-EI, files this Pre-Hearing Statement:

A. APPEARANCES:

Bruce Page, Esq.;
Suzanne S. Brownless, Esq.

on behalf of JEA.

B. WITNESSES:

None.

C. EXHIBITS:

JEA has no exhibits at this time, but reserves the right to enter any evidence into the record or use entered exhibits for cross-examination.

D. STATEMENT OF BASIC POSITION:

JEA's substantial interests are affected by this proceeding and thus, JEA has the requisite standing to intervene and participate as a party in this proceeding.

JEA generally supports FPL's need petition. However, FPL is required by statute and Public Service Commission (the "Commission") rule to hold discussions with other electric utilities, and to include in its petition a summary of those discussions regarding the other electric utilities' ownership interest in the proposed nuclear plants.

E. STATEMENT OF 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(4), Florida Statutes?

JEA's Position: Yes.

ISSUE 2: Is there a need for the proposed generating units, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes?

JEA's Position: Yes.

ISSUE 3: Is there a need for the proposed generating units, taking into account the need for base-load generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes?

JEA's Position: Yes.

ISSUE 4: 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(4), Florida Statutes?

JEA's Position: Yes.

ISSUE 5: Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?

JEA's Position: None known to JEA.

ISSUE 6: Will the proposed generating units provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes?

JEA's Position: None known to JEA.

ISSUE 7: Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light Company's petition to determine the need for the proposed generating units?

JEA's Position: Yes.

ISSUE 8: Should this docket be closed?

JEA's Position: No.

ISSUE 9: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, should the Commission's order expressly state support for the development of new nuclear generation, affirm the need to take steps now to preserve new nuclear generation as a resource option to meet future customer needs, acknowledge the risks and costs associated with a project of such magnitude and the corresponding stepwise role of the annual review process, and emphasize the importance of continued regulatory support throughout the process? (FPL 8)

JEA's Position: Yes.

ISSUE 10: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, is it prudent for FPL to make advance payments for such long-lead procurement items as are reasonably necessary to preserve the potential for 2018-2020 in-service dates for the proposed generating units? (FPL 9)

JEA's Position: No position at this time.

ISSUE 11: If the Commission grants Florida Power & Light Company's petition to determine the need for the proposed generating units, are prudent advance payments made prior to the completion of the proposed generating units' site clearing work properly characterized as "pre-construction costs," to be recovered pursuant to the mechanism provided in Rule 25-6.0423, F.A.C.? (FPL 10)

JEA's Position: No position at this time.

ISSUE 12: If FPL were to file for recovery by May 1, 2008, would pre-construction costs associated with the proposed generating units that the Commission determines are reasonable and prudent be included for cost recovery purposes as a component of the 2009 Capacity Cost Recovery Factor in the annual Fuel and Purchased Power Cost Recovery proceeding, pursuant to Rule 25-6.0423(5)(c), F.A.C.? (FPL 11)

JEA's Position: No position at this time.

ISSUE 13: Does FPL's nuclear power plant petition contain a summary of any discussions with other electric utilities regarding ownership of a portion of the plant by such electric utilities, consistent with the requirements of Rule 25-22.081, F.A.C.? (FMPPA/FMEA 7)

JEA's Position: No.

ISSUE 14: 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? (OUC 1)

JEA's Position: Yes.

ISSUE 15: 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? (OUC 2)

JEA's Position: No.

ISSUE 16: 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)? (OUC 4)

JEA's Position: Yes, FPL has a duty to initiate discussions with other utilities that might have an interest in ownership of a portion of the nuclear plants.

ISSUE 17: Does JEA, 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.? (OUC 5)

JEA's Position: Yes.

ISSUE 18: Should the Commission infer any intent by the Legislature from actions that were not taken by the Legislature (an amendment was proposed but withdrawn)? (OUC 6)

JEA's Position: No.

ISSUE 19: Has FPL engaged in meaningful discussions with other electric utilities regarding ownership of a portion of the proposed nuclear plants by such utilities? (SEMINOLE 7)

JEA's Position: Not to JEA's knowledge.

ISSUE 20: If not, should the Commission require such discussions? (SEMINOLE 8)

JEA's Position: Yes, the Commission should carry out its expressed statutory duty and ensure that meaningful discussions will take place now and in the future regarding this project.

F. STIPULATED ISSUES

None.

G. PENDING MOTIONS

JEA's Petition to Intervene.

H. STATEMENT OF PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY

JEA has no pending requests or claims for confidentiality.

I. OBJECTIONS TO QUALIFICATIONS OF WITNESSES AS AN EXPERT

JEA does not anticipate challenging the qualification of any witness in this proceeding at this time.

J. STATEMENT OF COMPLIANCE WITH ORDERS ESTABLISHING PROCEDURE

There are no requirements of the Orders Establishing Procedures with which JEA cannot comply.

Respectfully submitted this 9th day of January 2008,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing JEA's Pre-hearing Statement has been furnished by electronic mail and/or U.S. Mail this 9th day of January, 2008 to the following:

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