

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Determination of )  
Need for Levy Units 1 and 2 Nuclear )  
Power Plants. )  
\_\_\_\_\_ )

Docket No: 080148-EI

Submitted for Filing: May 2, 2008

**PROGRESS ENERGY FLORIDA, INC.'S  
PREHEARING STATEMENT**

Progress Energy Florida, Inc. ("PEF" or the "Company") hereby submits its Prehearing Statement in this matter, and states as follows:

**A. APPEARANCES:**

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CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL 2 \_\_\_\_\_  
OPC \_\_\_\_\_  
PCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
JTH \_\_\_\_\_

**B. WITNESSES AND EXHIBITS:**

In identifying witnesses and exhibits herein, PEF reserves the right to call such other witnesses and to use such other exhibits as may be identified in the course of discovery and preparation for the final hearing in this matter.

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**1. WITNESSES.**

**Direct Testimony.**

<u>Witness</u>	<u>Subject Matter</u>	<u>Issues</u>
Jeffrey J. Lyash	Overview of need for generating capacity in 2016 timeframe and Company's balanced approach to meeting future customer needs; introduction of Levy Units 1 and 2 to meet customer needs and benefits of Levy Units 1 and 2; reasons why new nuclear generation is the right decision for PEF's customers and the State of Florida; potential joint ownership; and introduction of Company witnesses to support the need for Levy Units 1 and 2.	1-4, 6-7
Daniel L. Roderick	Selection of the Levy site; selection of the Westinghouse AP-1000 advanced reactor technology; benefits of the new, advanced nuclear power plants; the Company's current, non-binding cost estimate for the Levy nuclear power plant project; procedures in place to ensure the costs incurred for the project are reasonable and prudent; and the current project schedule, including the need to maintain the schedule.	4, 6-7
Dale Oliver	Process for determining transmission plan for the interconnection and integration of Levy Units 1 and 2 into PEF's system; summary of necessary transmission upgrades at the site and from the site to the Company's load centers; preliminary, non-binding cost estimates for engineering, right of way procurement, and construction work for transmission upgrades; and reasonableness of the preliminary transmission design, engineering and	6, 7

resulting cost estimates.

John A. Masiello	History of PEF's successful Demand Side Management ("DSM") initiatives; current status of existing DSM programs, including the 39 new measures recently approved by the Commission; DSM goals setting process; and the Company's future DSM projections.	5
Robert D. Niekum	PEF's current renewable energy portfolio; PEF's on-going efforts to develop and sustain renewable energy resources; available, viable, and reliable renewable resources in the foreseeable future in Florida; and PEF's attempts to encourage new renewable projects in Florida.	5
Sasha Weintraub	The Company's current fossil fuel forecasts; cost differences between fuel resources; expected, future cost differences between available fuel resources; natural gas related supply and demand trends; fuel diversity issues and benefits from nuclear generation; fuel independence issues and benefits from nuclear generation; and fuel supply reliability issues and benefits from nuclear generation.	2, 4, 6
John Siphers	Nuclear fuel requirements for Levy Units 1 and 2; the components of and process of producing nuclear fuel; the costs of nuclear fuel, including relative cost to other available fuels; historical context of nuclear fuel costs and expected future nuclear fuel costs; fuel diversity benefits of nuclear fuel; and fuel supply reliability of nuclear fuel.	2, 4, 6
J. Michael Kennedy	Lack of environmental emissions from nuclear generation; relative environmental emissions of other	6

generation resources; greenhouse gas emissions; and legislative and/or regulatory greenhouse gas proposals and potential resulting cost impacts.

John Benjamin Crisp	<p>Overview of Levy Units 1 and 2; PEF’s Integrated Resource Planning (“IRP”) process, including the impact of the Florida Renewable Energy Technologies and Energy Efficiency Act on the IRP process; the reliability need for Levy Units 1 and 2; Levy Units 1 and 2 as a superior supply-side resource alternative; the lack of renewable and DSM resources to offset the need for Levy Units 1 and 2; the availability of adequate electricity at a reasonable cost with Levy Units 1 and 2; the most cost-effective alternative to meet the Company’s need taking into account fuel diversity, fossil fuel independence, current and future emission compliance requirements and costs, and long-term stability and reliability of the electric grid; the enhancement of State electrical power production with Levy Units 1 and 2; and the adverse consequences of delay.</p>	1-7
Javier Portuondo	<p>Estimated revenue requirements for Levy Units 1 and 2; nuclear project cost break-down for regulatory purposes; cost impacts and fuel savings and other benefits; and summary of nuclear cost recovery rule and cost recovery projections.</p>	6-7

**Rebuttal Testimony.**

<u>Witness</u>	<u>Subject matter</u>	<u>Issues</u>
Daniel L. Roderick	Rebuttal to Mr. Bradford’s testimony; historical and current nuclear reactor design and construction; improved	

Nuclear Regulatory Commission (“NRC”) regulatory framework; the advanced nuclear reactor design with the Westinghouse AP-1000; advanced nuclear reactor capacity factors; current nuclear power plants and current market conditions for them.

**2. DIRECT TESTIMONY EXHIBITS.**

<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
DLR-1	Roderick	Map showing the State of Florida and the Levy County site location
DLR-2	Roderick	Aerial map showing the Levy site
DLR-3	Roderick	Aerial map showing the site and the proposed location of the two nuclear units
DLR-4	Roderick	Composite of graphics of the AP-1000 advance reactor plant
DLR-5	Roderick	Cost breakdown summary for Levy Units 1 and 2
DLR-6	Roderick	CONFIDENTIAL detailed project Schedule
JAM-1	Masiello	PEF Current Florida Public Service Commission DSM Goals
JAM-2	Masiello	PEF DSM Programs and Measures
JAM-3	Masiello	PEF DSM Implementation Graphs for residential heat pump installations, duct repairs and insulation retrofits
RDN-1	Niekum	A list of PEF's renewable contracts
RDN-2	Niekum	National Renewable Energy Laboratory's resource maps for wind and solar

RDN-3	Niekum	Copy of the FPSC and DEP's <u>An Assessment of Renewable Electric Generating Technologies for Florida</u>
RDN-4	Niekum	A list of potential renewable suppliers who responded to PEF's recent Request for Renewables
SAW-1	Weintraub	Analysis of PEF's Energy Mix
SAW-2	Weintraub	Comparison of fuel variability and weighted average fuel costs
SAW-3	Weintraub	PEF's forecast of all primary fuel sources (nuclear fuel, natural gas, fuel oil, and coal)
SAW-4	Weintraub	PEF's mid-level, low, and high natural gas fuel forecasts
SAW-5	Weintraub	PEF's historic natural gas prices from January 1998 to November 2007
SAW-6	Weintraub	PEF's and Florida Power & Light Company's historic natural gas prices from 1998 to 2007 and 1990 to July 2007, respectively
SAW-7	Weintraub	United States Natural Gas Rig Count Versus Natural Gas Well Production since 2002 from the U.S. Energy Information Agency ("EIA")
SAW-8	Weintraub	U.S. Natural Gas Supply Challenge, 2005 to 2030, chart from Department of Energy ("DOE") 2007 Annual Energy Outlook Information
SAW-9	Weintraub	Chart of world natural gas reserves by geographic region as of January 1, 2007 from the "Worldwide Look at Reserves and Production" in the Oil & gas Journal

JS-1	Siphers	2007 nuclear fuel burn cost Components
JS-2	Siphers	Chart of the historical and current Uranium market in \$/lb of U308
JS-3	Siphers	Average market burn cost fuel comparison on a \$/mmBtu cost basis from 2002 to 2010 for nuclear fuel, coal, natural gas, and oil
JS-4	Siphers	PEF's nuclear fuel forecast through 2036 in terms of the burn cost in mills/kWhe
JMK-1	Kennedy	Emission Comparison Chart
JMK-2	Kennedy	Lifecycle CO <sub>2</sub> Emission Summary
JMK-3	Kennedy	Estimated CO <sub>2</sub> Emission Cost Graph
JMK-4	Kennedy	Annual CO <sub>2</sub> Emissions Avoided by Proposed Levy Nuclear Units Chart
JBC-1	Crisp	PEF's Need Study for Levy Units 1 and 2
JBC-2	Crisp	PEF's Resource Plan with Levy Units 1 and 2
JBC-3	Crisp	Forecasts of summer and winter demand and reserves with and without Levy Unit 1
JBC-4	Crisp	Forecasts of summer and winter demand and reserves with and without Levy Unit 2
JBC-5	Crisp	PEF's fuel forecasts for nuclear, natural gas, and oil
JBC-6	Crisp	PEF's 2018 daily system load forecast with and without Levy Units 1 and 2
JBC-7	Crisp	PEF's current system energy mix

JBC-8	Crisp	PEF's 2018 system energy mix with and without Levy Units 1 and 2
JBC-9	Crisp	Table of the Cumulative Present Value Revenue Requirements (CPVRR) of the Resource Plan with Levy Units 1 and 2, including changes in natural gas prices and potential impacts from greenhouse gas (GHG) regulation, compared to an all gas generation resource plan alternative
JP-1	Portuondo	A summary of the estimated first 12 months base rate bill impact for Levy Unit 1, Levy Unit 2, and associated transmission facilities as they go in-service
JP-2	Portuondo	A summary of the estimated revenue requirements to be recovered through the CCRC for the period 2009-2017 per Rule 25-6.0423, F.A.C.
JP-3	Portuondo	An estimate of the expected costs associated with Site Selection & Preconstruction, Construction, and Carrying Costs for Levy Unit 1, Levy Unit 2 and the associated transmission facilities

### 3. REBUTTAL TESTIMONY EXHIBITS.

<u>Exhibit Number</u>	<u>Witness</u>	<u>Description</u>
DLR-7	Roderick	Charts graphically depicting differences between the current NRC Construction and Operating License Application (“COLA”) regulatory process and the prior NRC regulatory process
DLR-8	Roderick	Graphics of the Westinghouse AP-1000 advanced reactor plant showing the reduction in cable, pumps, and



other material in the Westinghouse AP-1000 compared to those commercially operational nuclear power plants today

DLR-9	Roderick	Chart of the capacity factors of the nation's commercially operational nuclear power plants over the last decade
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DLR-10	Roderick	Chart of the capacity factors of the most recent nuclear power plants
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**D. PEF'S STATEMENT OF BASIC POSITION:**

Pursuant to Section 403.519(4), Florida Statutes, and Rule 25-22.081, F.A.C., PEF filed a petition on March 11, 2008, for determination of need for two proposed nuclear power plants, called Levy Units 1 and 2, located in Levy County, Florida. PEF evaluated Levy Units 1 and 2 under the amended need determination provisions of the 2006 Florida Renewable Energy Technologies and Energy Efficiency Act, as directed by the Florida Legislature, emphasizing the factors the Florida Legislature directed the Commission to consider in a Need determination proceeding to encourage the development of nuclear generation in Florida. PEF concluded that those considerations warranted the choice of a future generation supply paradigm that includes nuclear base load generation. Levy Units 1 and 2 are the right choice for PEF's customers and the State and at this time PEF has resolved and committed the resources necessary to make a generation supply paradigm that includes future nuclear power generation possible.

Through PEF's planning process, the Company identified Levy Units 1 and 2 as its next-planned generating additions. The Company needs Levy Units 1 and 2 to meet its 20 percent Reserve Margin planning criterion for the period 2016 to 2019 and beyond. Without the addition of Levy Unit 1, PEF's Reserve Margin will decrease to 15.4 percent in the summer of 2016 and 13.4 percent by 2017. If Levy Units 1 and 2 are brought into commercial operation by June 2016 and June 2017 as planned, PEF's reserve margin will exceed the 20% Reserve Margin for several years. Both units are still needed, however, to meet the Company's reliability needs in the 2016 to 2019 time period and beyond. They are currently planned for commercial operation on these dates to meet the Company's base load reliability needs in this timeframe and beyond and to achieve the substantial economic, fuel diversity, fuel supply reliability, fuel independence, and environmental benefits they offer customers if they are brought on line as currently planned.

Levy Units 1 and 2 will be state-of-the-art, advanced passive light water nuclear power plants. After a detailed and thorough technical analysis, PEF has initially selected and is currently evaluating the Westinghouse Advanced Passive ("AP") 1000 light water nuclear reactor design for Levy Units 1 and 2. The preferred site selected for Levy Units 1 and 2 consists of approximately 3,100 acres located in Levy County, Florida, about ten miles north of the Company's Crystal River Energy Complex.

PEF has determined that Levy Units 1 and 2 are the most cost-effective alternative sources of power to meet the Company's need in 2016 to 2019 and beyond when fuel diversity and fuel supply reliability, the reduced reliance on foreign fossil fuels, existing and future emission compliance costs, and long-term electric grid reliability factors are considered as the Florida Legislature directed. Using the Company's current, non-binding cost estimate, and the additional legislative factors that must be considered when evaluating the cost-effectiveness of nuclear generation to the extent they could be quantified, including the advent of greenhouse gas ("GHG") emission costs, the generation resource plan including Levy Units 1 and 2 was more cost-effective on a cumulative present value revenue requirements ("CPVRR") basis than an all natural gas generation reference plan in the majority of the CPVRR scenarios, even without accounting for the additional ten (10) years of commercial operation of the two nuclear units in the model.

Nuclear power is a clean source of electric power generation. Electric power generation from nuclear fuel produces no SO<sub>2</sub>, NO<sub>x</sub>, GHG, mercury, or other emissions. In light of the current environmental requirements, including among others the Environmental Protection Agency ("EPA") and DEP Clean Air Interstate Rule ("CAIR"), for example, affecting fossil fuel generation, and potential new legislative and regulatory limitations on GHG emissions, nuclear energy is a more economically viable future generation alternative to fossil fuel (oil, gas, or coal) electric power generation. Indeed, when the financial impacts of potential future carbon abatement legislation and regulation currently being considered are accounted for in the computer optimization model, Levy Units 1 and 2 are projected to be a more cost-effective alternative to natural gas-fired generation on a CPVRR basis in the majority of the potential CPVRR scenarios evaluated, and in some scenarios, significantly more so.

The Company has attempted to avoid or defer constructing the units by considering and pursuing demand-side options reasonably available to it, but the Company has nonetheless concluded that it cannot avoid or defer its need to build the units. PEF seeks an affirmative determination of need for Levy Units 1 and 2 to enable the Company to meet its obligation to maintain electric system reliability and integrity and to continue to provide and increase adequate electrical generation from nuclear fuel for customers at a reasonable fuel cost.

For all these reasons, as more fully developed in PEF's Need Study (and the Confidential Section of that Study) and supporting appendices and tables, and its pre-filed testimony and exhibits, PEF respectfully requests that the Florida Public Service Commission ("FPSC" or "Commission") grant a favorable determination of need for Levy Units 1 and 2.

## **E. PEF'S STATEMENT OF ISSUES AND POSITIONS:**

### **1. FACTUAL ISSUES.**

**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?

**PEF Position:**

Yes, there is a need for the proposed Levy Units 1 and 2, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes. Through PEF's planning process, the Company identified Levy Units 1 and 2 as its next-planned generating additions. The Company needs Levy Units 1 and 2 to meet its 20 percent Reserve Margin planning criterion for the period 2016 to 2019 and beyond. Without the addition of Levy Unit 1, PEF's Reserve Margin will decrease to 15.4 percent in the summer of 2016 and 13.4 percent by 2017. If Levy Units 1 and 2 are brought into commercial operation by June 2016 and June 2017 as planned, PEF's reserve margin will exceed the 20 percent Reserve Margin. Both units are still needed, however, to meet the Company's reliability needs in the 2016 to 2019 time period and beyond given the need for flexibility to meet future uncertainties. In addition, there is an economic need for Levy Unit 2, based on the substantial engineering and construction efficiencies from building two nuclear units in this time frame, and the fact that both Levy Units 1 and 2 provide economic, fuel diversity, fuel independence, and environmental benefits to PEF and its customers.

**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?

**PEF Position:**

Yes, there is a need for the proposed Levy Units 1 and 2, taking into account the need for fuel diversity, as this criterion is used in Section 403.519, Florida Statutes. The two nuclear units will meet the Florida legislative and executive goal of (1) increasing fuel diversity and fuel supply security for electrical capacity and energy production for PEF and the State of Florida, and (2) reducing PEF's and the State's dependence on volatile fossil fuel supplies that are further subject to supply interruptions. With the addition of Levy Units 1 and 2, by 2018, nuclear generation will represent 38 percent of the total energy generation on PEF's system. Without these nuclear units, however, fossil fuel generation will account for 85 percent of the electrical energy generation on PEF's system by 2018. Levy Units 1 and 2, therefore, are necessary to maintain and enhance PEF's current position as the most fuel diverse utility in Florida.

**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?

**PEF Position:**

Yes, there is a need for the proposed Levy Units 1 and 2, taking into account the need for base-load generating capacity, as this criterion is used in Section 403.519, Florida Statutes. There is a need for new base load generation based on the current and expected load growth in PEF's service territory. Further, there is a need for new base load generation technology on PEF's system. PEF's current base load nuclear generation plant, Crystal River Unit 3 ("CR3"), has served and will continue to serve customers well for years to come, providing low fuel cost electrical power generation to PEF customers nearly year-round. But CR3 represents a nuclear

generation technology that is now over thirty years old. PEF's other existing base load generation plants, its four Crystal River coal units, have also served customers well, but two of them are nearly 50 years old and the other base load generation units are two decades old. Levy Units 1 and 2 will provide customers with state-of-the-art, nuclear generation technology. Levy Units 1 and 2 will also add the first new base load generation to PEF's system in over twenty years (thirty years by the time Levy Unit 1 and 2 come on line), providing newer vintage generation to complement the older vintage base load units on PEF's system. These new nuclear generation units will therefore contribute to the long-term stability and reliability of the electrical power grid.

**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?

**PEF Position:**

Yes, there is a need for the proposed Levy Units 1 and 2, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519, Florida Statutes. Levy Units 1 and 2 will enable PEF to meet its reliability need, and the reliability needs thereafter, and they will allow PEF to continue to provide and increase adequate electrical generation from nuclear fuel for customers at a reasonable fuel cost. Nuclear power uses the lowest cost fuel source (uranium used in processed nuclear fuel) currently available to the Company. Processed uranium fuel is an abundant, low cost fuel source relative to other fuels. As a result, adding more nuclear generation to PEF's generation system is expected to result in more stable, lower energy prices relative to other (fossil fuel) generation resources.

**Issue 5:** Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Progress Energy Florida, Inc. which might mitigate the need for the proposed generating units?

**PEF Position:**

No, there are no additional conservation measures taken by or reasonably available to PEF which might mitigate the need for the proposed Levy Units 1 and 2. PEF will continue to evaluate potential, emerging DSM technologies, but PEF's detailed analysis represented by its current, expanded DSM program has captured all cost-effective demand-side potential available. With expected customer and demand growth, PEF cannot provide DSM options in quantities needed to offset the need for additional generation. Likewise, PEF will continue to evaluate potential renewable energy sources, as it has done in the past and is currently undertaking, but there simply are insufficient renewable energy resources available to PEF over the next decade to meet customer capacity and energy needs without the addition of other generation resources to PEF's system. PEF will still need additional generation resources to serve customer needs. Therefore PEF cannot avoid or defer its need to build Levy Units 1 and 2.

**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?

**PEF Position:**

Yes, the proposed Levy Units 1 and 2 are the most cost-effective sources of power, as this criterion is used in Section 403.519(4), Florida Statutes. PEF has determined that Levy Units 1 and 2 are the most cost-effective alternative sources of power to meet the Company's need in 2016 to 2019 and beyond when fuel diversity and fuel supply reliability, the reduced reliance on fossil fuels, existing and future emission compliance costs, and long-term electric grid reliability factors are considered as the Florida Legislature directed. Using the Company's current, non-binding cost estimate, and the additional legislative factors that must be considered when evaluating the cost-effectiveness of nuclear generation to the extent they could be quantified, including the advent of greenhouse gas ("GHG") emission costs, the generation resource plan including Levy Units 1 and 2 was more cost-effective on a cumulative present value revenue requirements ("CPVRR") basis than an all natural gas generation reference plan in the majority of the CPVRR scenarios, even without accounting for the additional ten (10) years of commercial operation of the two nuclear units in the model.

**Issue 7:** Based on the resolution of the foregoing issues, should the Commission grant Progress Energy Florida, Inc.'s petition to determine the need for the proposed generating units?

**PEF Position:**

Yes, the Commission should grant PEF's petition to determine the need for the proposed Levy Units 1 and 2. The opportunity to move away from a predominant, fossil-fuel, generation supply paradigm is now, and granting a determination of need for Levy Units 1 and 2, as PEF requests, will provide PEF and Florida the opportunity to move towards a generation supply portfolio that is essential for the future energy needs and economic and environmental well-being of the State.

**Issue 8:** Should this docket be closed?

**PEF Position:**

Yes, this docket should be closed.

**Additional Issues**

**ISSUE 9:** Should the Commission separately assess the need for each of the proposed generating units using the criteria set forth in Section 403.519(4), Florida Statutes? (WHITE SPRINGS 8; SACE 8)

PEF objects to this additional issue because it is unnecessary, inefficient, and

confusing. In each of the seven substantive issues above, White Springs and SACE are at liberty to take and argue the position that both, one, or none of the proposed units are justified. It is unnecessary, inefficient and confusing to have fourteen substantive issues (one for each unit) as suggested in this Issue 9. Furthermore, Issue 9 also suggests that the Commission should assess the need for each unit in complete isolation without giving consideration to potential synergies, benefits, and savings that will be available if the units are built together.

**ISSUE 10:** Should the Commission require, as a condition of granting a determination of need for the proposed units, that Progress Energy Florida, Inc. implement contractual and other strategies required to effectively manage the units' construction cost and schedule and the risks to consumers associated with cost overruns and project delays? (WHITE SPRINGS 10; SACE 10)

PEF objects to this additional issue because it calls for the Commission to take actions that are not authorized under controlling rules and law. Furthermore, the proposed additional issue is wholly irrelevant to this need proceeding.

**2. LEGAL ISSUES.**

None.

**3. POLICY ISSUES.**

None.

**F. STIPULATED ISSUES.**

PEF is not aware of any stipulated issues at this time.

**G. PENDING MOTIONS.**

PEF is not aware of any pending motions at this time.

**H. PEF'S REQUESTS FOR CONFIDENTIAL CLASSIFICATION.**

<b>REQUEST</b>	<b>DATE FILED</b>
First Request for Confidential Classification [Portions of Testimony and Exhibits Filed in Support of Petition for Determination of Need for Levy Units 1 and 2 Nuclear Power Plants]	3/11/08

Second Request for Confidential Classification Regarding Staff's Second Request for Production of Documents 4/17/08

Notice of Intent [Regarding Staff's Second Request for Production of Documents and Third Set of Interrogatories] 4/22/08

Third Request for Confidential Classification Regarding White Springs First Request for Production of Documents 4/23/08

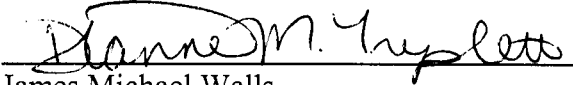
Fourth Request for Confidential Classification Regarding Staff's Second Request for Production of Documents and Third Set of Interrogatories 5/1/08

**I. REQUIREMENTS OF PREHEARING ORDER THAT CANNOT BE MET.**

None.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished to counsel and parties of record as indicated below via U.S. Mail this 20 day of May, 2008.

  
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