

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Plant Cost)
Recovery Clause)
_____)

DOCKET NO. 090009-1
FILED: July 1, 2009

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COMMISSION CLERK

SOUTHERN ALLIANCE FOR CLEAN ENERGY'S REQUEST FOR REPRESENTATION BY QUALIFIED REPRESENTATIVE

Southern Alliance for Clean Energy, pursuant to F.A.C. § 28-106.106, hereby requests that it also be represented by Gary A. Davis as Qualified Representative in the above-captioned matter. The address and telephone number for Mr. Davis are: Gary A. Davis, P.O. Box 649, Hot Springs, NC 28743, (828) 622-0044.

SACE requests that Mr. Davis be approved by the Presiding Officer as Qualified Representative based upon the attached Affidavit setting forth his qualifications, experience, and knowledge of the rules governing this proceeding and the factual and legal issues involved in the case. Mr. Davis is an attorney and member of the bar of the States of Tennessee, North Carolina, and California (inactive status). He has over twenty-three years of experience in environmental and land use law. He has previously represented SACE as qualified representative before the Florida Public Services Commission in 2007. He has also represented SACE in proceedings before the North Carolina Utilities Commission dealing with certificates of need for coal-fired power plants and energy efficiency and renewable energy programs. He is a member of the Board of Directors of SACE.

Mr. Davis was formerly the Environmental Policy Director for the Conservancy of Southwest Florida, in Naples, Florida, during which time he became familiar with Florida administrative procedures and Florida court rules. He has been approved as Qualified Representative in several cases before the Florida Division of Administrative Hearings.

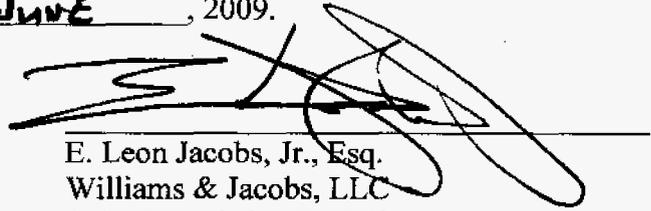
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Respectfully submitted this ^{30TH} day of JUNE, 2009.



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Counsel for Southern Alliance for Clean
Energy

CERTIFICATE OF SERVICE
Docket No. 090009

I HEREBY CERTIFY that a true and correct copy of the foregoing REQUEST FOR REPRESENTATION BY QUALIFIED REPRESENTATIVE has been furnished by electronic mail (e-mail) and/or U.S. Mail this the _____ day of _____, 2009.

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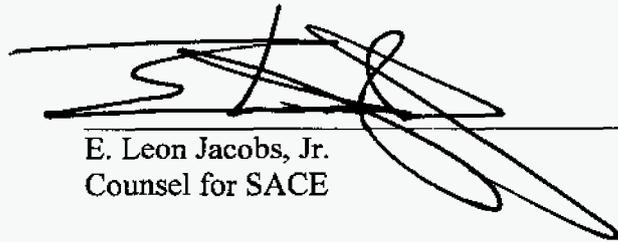
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E. Leon Jacobs, Jr.
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Plant Cost)
Recovery Clause)
)
_____)

DOCKET NO. 090009-EI
FILED: July 1, 2009

COUNTY OF MADISON)
)
STATE OF NORTH CAROLINA)

AFFIDAVIT OF GARY A. DAVIS

1. I am making this Affidavit in support of the request of the Southern Alliance for Clean Energy ("SACE") to designate me as qualified representative in the above-captioned matter.

2. I am a member of the Board of Directors of SACE and familiar with the issues that SACE has raised in its Petition to Intervene in this case.

3. I am currently engaged in the practice of law specializing in environmental and land use law.

4. I am a member in good standing of the bar of the states of Tennessee, North Carolina, and California, although I am on inactive status in California. I am not a member of the bar of the State of Florida.

5. I was previously granted Qualified Representative status before the Florida Public Service Commission on behalf of SACE in *In re: Petition to Determine Need for Polk Unit 6 Electrical Power Plant by Tampa Electric Company*, Docket No. 070467-E1.

6. From 2002 to 2005 I was the Director of Environmental Policy for the Conservancy of Southwest Florida ("Conservancy"), located in Naples, Florida. During my employment with the Conservancy in Florida, I acted as Qualified Representative for the organization in two proceedings before the Florida Division of Administrative Hearings. These were *Conservancy of Southwest Florida v. Department of Community Affairs, et al.*, Case No. 03-3089GM, which

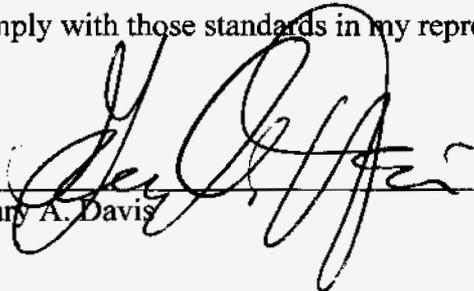
closed in January 2004, and *In re Florida Power & Light Co Collier-Orange River # 3 230-KV Transmission Line Project.*, Case No. 03-1629TL, which also closed in 2004. I also completed continuing legal education courses in Florida environmental and land use law, including Environmental and Land Use Law Annual Updates.

7. Since leaving the employment of the Conservancy, I have served as Qualified Representative for the organization in three proceedings before the Division of Administrative Hearings: *Sanibel-Captiva Conservation Foundation, et al. v. South Florida Water Management District, et al.*, DOAH Case No. 06-000805, which closed in 2008; *Conservancy of Southwest Florida v. G.L. Homes Of Naples Associates II, et al.*, DOAH Case No. 06-004922, which closed in 2007; and *In re Florida Power & Light Company Glades Power Park Power Plant Siting Application*, DOAH Case No. 06-5334EPP, which closed in 2007.

8. Prior to working as an employee of the Conservancy I practiced environmental and land use law for twenty years representing clients throughout the Southeastern United States. In the practice of law I have represented clients in numerous administrative hearings dealing with environmental and land use issues and have appeared in state courts and federal courts at both the trial and appellate levels. As a result of this experience, I am familiar with administrative law and procedure, with trial procedure and with the rules of civil procedure and evidence.

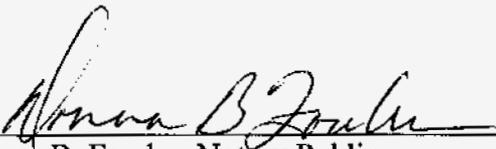
9. As a result of my experience in Florida DOAH hearings, I have gained knowledge of Florida law and rules governing jurisdiction in administrative proceedings. I have also gained knowledge of the Florida Rules of Civil Procedure and the Florida Evidence Code as they are applied in administrative proceedings.

10. I am familiar with the Standard of Conduct for Qualified Representatives and will comply with those standards in my representation. I am also familiar with the Florida Rules of Professional Conduct for attorneys and will comply with those standards in my representation.



Gary A. Davis

SWORN TO AND SUSCRIBED before me this 29th day of June, 2009.



Donna B. Fowler, Notary Public

My Commission Expires: 6/11/2011

