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090009-EI

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Subject: Docket No. 090009-EI
Attachments: FIPUG PHS 08.10.09.doc

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

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

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- b. This filing is made in Docket No. 090009-EI, In re: Nuclear Cost Recovery Clause.
- c. The document is filed on behalf of Florida Industrial Power Users Group.
- d. The total pages in the document are 9 pages.
- e. The attached documents are FIPUG's Prehearing Statement.

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DOCUMENT NUMBER-DATE

08261 AUG 10 8

FPSC-COMMISSION CLERK

8/10/2009

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Nuclear Power Plant)
Cost Recovery Clause)

Docket No. 090009-EI
Filed: August 10, 2009

THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PREHEARING STATEMENT

The Florida Industrial Power Users Group (FIPUG), pursuant to Order No. PSC-09-0159-PCO-EI, as modified by Order No. PSC-09-0521-PCO-EI, files its Prehearing Statement.

A. APPEARANCES:

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B. WITNESSES AND EXHIBITS

All witnesses and exhibits listed by other parties in this proceeding.

C. STATEMENT OF BASIC POSITION:

FIPUG supports the development of cost effective, reasonable and prudent energy sources to serve Florida consumers. However, the development of such energy resources, particularly nuclear power plants, must be done accomplished in a reasonable and prudent fashion. Efforts to develop nuclear power plants must reasonable and prudently take into account changed circumstances, including decreased forecasts for future energy demand, decreased forecast of natural gas prices, increased capacity resulting from renewable energy and energy efficiency measures and changes in regulatory policy. The Commission should require additional information, data and analysis be filed to support the long feasibility of the proposed nuclear projects.

D. STATEMENT OF ISSUES AND POSITIONS:

ISSUE 1: Should over or under collections in the Capacity Cost Recovery Clause be included in the calculation of recoverable costs in the NCRC?

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FIPUG: No position at this time.

ISSUE 2: When a utility elects to defer recovery of some or all of the costs that the Commission approves for recovery through the Capacity Cost Recovery Clause, what carrying charge should accrue on the deferred balance?

FIPUG: No position at this time.

ISSUE 3: FPL and PEF be permitted to record in rate base the incremental difference between Allowance for Funds Used During Construction (AFUDC) permitted by Section 366.93, F.S. and their respective most currently approved AFUDC, for recovery when the nuclear plant enter commercial operation?

FIPUG: No position at this time.

FPL Project Management and Oversight

ISSUE 4: Should the Commission find that for the years 2006 and 2007, FPL's accounting and costs oversight controls were reasonable and prudent for Turkey Point Units 6 & 7 project?

FIPUG: No position at this time.

ISSUE 5: Should the Commission find that for the years 2006 and 2007, FPL's project management, contracting, and oversight controls were reasonable and prudent for Turkey Point Units 6 & 7 project?

FIPUG: No position at this time.

ISSUE 6: Should the Commission find that for the year 2008, FPL's accounting and costs oversight controls were reasonable and prudent for Turkey Point Units 6 & 7 project and the Extended Power Uprate project?

FIPUG: No position at this time.

ISSUE 7: Should the Commission find that for the year 2008, FPL's project management, contracting, and oversight controls were reasonable and prudent for Turkey Point Units 6 & 7 project and the Extended Power Uprate project?

FIPUG: No position at this time.

ISSUE 7A: Is FPL's decision in 2008 to pursue an alternative to an Engineering Procurement Construction (EPC) contract for the Turkey Point 6 & 7 project prudent and reasonable?

FIPUG: No. The traditional approach of pursuing an Engineering, Procurement and Construction contract, at the appropriate time, is the better course of action.

FPL's Project Feasibility

ISSUE 8: Should the Commission approve what FPL has submitted as its annual detailed analyses of the long-term feasibility of completing the Turkey Point 6 & 7 project, as provided for in Rule 25-6.0423, F.A.C?

FIPUG: No. Detailed and updated construction costs should also be provided.

ISSUE 8A: If the Commission does not approve FPL's long term feasibility analyses of Turkey Point 6 & 7, what further action, if any, should the Commission take?

FIPUG: The Commission should require FPL to prepare and file, in a timely fashion, an updated feasibility study.

ISSUE 9: Should the Commission approve what FPL has submitted as its annual detailed analyses of the long-term feasibility of completing the EPU project, as provided for in Rule 25-6.0423, F.A.C?

FIPUG: No position at this time.

FPL's Extended Power Uprate Project

ISSUE 10: What system and jurisdictional amounts should the Commission approve as FPL's final 2008 prudently incurred costs for the Extended Power Uprate project?

FIPUG: No position at this time.

ISSUE 11: Are FPL's 2008 actual, 2009 actual/estimated and 2010 projected EPU project costs separate and apart from the nuclear costs that would have been necessary to provide safe and reliable service had there been no EPU project?

FIPUG: Insufficient evidence exists to meet FPL's burden of proof that such costs are separate and apart from nuclear costs that would have been necessary to provide safe and reliable service had there been on EPU project.

ISSUE 12: What system and jurisdictional amounts should the Commission approve as FPL's reasonable actual/estimated 2009 costs for the Extended Power Uprate project?

FIPUG: No position at this time.

ISSUE 13: What system and jurisdictional amounts should the Commission approve as FPL's reasonably projected 2010 costs for the Extended Power Uprate project?

FIPUG: No position at this time.

FPL's Turkey Point Units 6 & 7 Project

ISSUE 14: What system and jurisdictional amounts should the Commission approve as FPL's final 2006 and 2007 prudently incurred costs for the Turkey Point Units 6 & 7 project?

FIPUG: No position at this time.

ISSUE 15: What system and jurisdictional amounts should the Commission approve as FPL's final 2008 prudently incurred costs for the Turkey Point Units 6 & 7 project?

FIPUG: No position at this time.

ISSUE 16: What system and jurisdictional amounts should the Commission approve as reasonably estimated 2009 costs for FPL's Turkey Point Units 6 & 7 project?

FIPUG: No position at this time.

ISSUE 17: What system and jurisdictional amounts should the Commission approve as reasonably projected 2010 costs for FPL's Turkey Point Units 6 & 7 project?

FIPUG: No position at this time.

FPL's 2010 Capacity Cost Recovery Clause Amount

ISSUE 18: What is the total jurisdictional amount to be included in establishing FPL's 2010

Capacity Cost Recovery Clause factor?

FIPUG: No position at this time.

PEF Project Management and Oversight

ISSUE 19: Should the Commission find that for the years 2006 and 2007, PEF's accounting and costs oversight controls were reasonable and prudent for Levy Units 1 & 2 project?

FIPUG: No position at this time.

ISSUE 20: Should the Commission find that for the years 2006 and 2007, PEF's project management, contracting, and oversight controls were reasonable and prudent for Levy Units 1 & 2 project?

FIPUG: No position at this time.

ISSUE 21: Should the Commission find that for the year 2008, PEF's project management, contracting, and oversight controls were reasonable and prudent for Levy Units 1 & 2 project and the Crystal River Unit 3 Uprate project?

FIPUG: No position at this time.

ISSUE 21A: Was it reasonable and prudent for PEF to execute its EPC contract at the end of 2008? If the commission finds that this action was not reasonable and prudent, what actions, if any, should the Commission take?

FIPUG: No.

ISSUE 22: Should the Commission find that for the year 2008, PEF's accounting and costs oversight controls were reasonable and prudent for Levy Units 1 & 2 project and the Crystal River Unit 3 Uprate project?

FIPUG: No position at this time.

PEF's Project Feasibility

ISSUE 23: Should the Commission approve what PEF has submitted as its annual detailed analysis of the long-term feasibility of continuing construction and completing the

Levy Units 1 & 2 project, as provided for in Rule 25-6.0423, F.A.C., and Order No. PSC-08-0518-FOF-EI (Determination of Need Order)?

FIPUG: No. The information submitted by PEF is not sufficient to met the requirements of Rule 25-6.0423, F.A.C

ISSUE 23A: If the Commission does not approve PEF's long term feasibility analysis of Levy Units 1 & 2, what further action, if any, should the Commission take?

FIPUG: The Commission should require PEF to prepare and file, in a timely fashion, an updated feasibility study which includes detailed cost information flowing from PEF's revised project schedule.

ISSUE 23B: What further steps, if any, should the Commission require PEF to take regarding the Levy Units 1 & 2?

FIPUG: No position at this time.

ISSUE 24: Should the Commission approve what PEF has submitted as its annual detailed analysis of the long-term feasibility of completing the Crystal River Unit 3 Uprate project, as provided for in Rule 25-6.0423, F.A.C?

FIPUG: No position at this time.

PEF's Crystal River Unit 3 Uprate Project

ISSUE 25: What system and jurisdictional amounts should the Commission approve as PEF's final 2008 prudently incurred costs for the Crystal River Unit 3 Uprate project?

FIPUG: No position at this time.

ISSUE 26: What system and jurisdictional amounts should the Commission approve as PEF's reasonably estimated 2009 costs for the Crystal River Unit 3 Uprate project?

FIPUG: No position at this time.

ISSUE 27: What system and jurisdictional amounts should the Commission approve as PEF's reasonably projected 2010 costs for the Crystal River Unit 3 Uprate project?

FIPUG: No position at this time.

PEF's Levy Units 1 & 2 Project

ISSUE 28: What system and jurisdictional amounts should the Commission approve as PEF's final 2006 and 2007 prudently incurred costs for the Levy Units 1 & 2 project as filed in Docket No. 080009-EI?

FIPUG: No position at this time.

ISSUE 29: What system and jurisdictional amounts should the Commission approve as PEF's final 2008 prudently incurred costs for the Levy Units 1 & 2 project?

FIPUG: No position at this time.

ISSUE 30: What system and jurisdictional amounts should the Commission approve as reasonably estimated 2009 costs for PEF's Levy Units 1 & 2 project?

FIPUG: No position at this time.

ISSUE 31: What system and jurisdictional amounts should the Commission approve as reasonably projected 2010 costs for PEF's Levy Units 1 & 2 project?

FIPUG: No position at this time.

PEF's 2010 Capacity Cost Recovery Clause Amount

ISSUE 32: Should the Commission approve PEF's alternative cost recovery proposal, as set forth in PEF's Petition and supporting Testimony, as to recovery of NCRC costs?

FIPUG: No position at this time.

ISSUE 32A: If the answer to Issue 32 is yes, what is the total jurisdictional amount to be included in establishing PEF's 2010 Capacity Cost Recovery Clause factor?

FIPUG: No position at this time.

ISSUE 32B: If the answer to Issue 32 is no, what is the total jurisdictional amount to be included in establishing PEF's 2010 Capacity Cost Recovery Clause factor?

FIPUG: No position at this time.

s/ Jon C. Moyle, Jr.

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