

Ruth Nettles

090009-EI

From: WOODS.MONICA [WOODS.MONICA@leg.state.fl.us]
Sent: Tuesday, August 18, 2009 1:51 PM
To: Filings@psc.state.fl.us
Subject: FW: 090009-EI Amendment to Prehearing Statement Public Counsel 8.18.09
Attachments: 090009-EI Amendment to Prehearing Statement Public Counsel 8.18.09.pdf

From: WOODS.MONICA
Sent: Tuesday, August 18, 2009 1:51 PM
To: Alex Glenn; Bill Jacobs; Bryan J. Anderson; Cary Cook; DEAN.CHARLES.WEB; Dianne Triplett; F. Alvin Taylor; J. Burnett; J. McWhirter; James Brew; Jessica Cano; John C. Moyle, Jr.; K. Young; Lisa Bennett; M. Walls; Matthew R. Bernier; Mike Ballast; Paul Lewis; Randy B. Miller; Thomas Saporito; V. Kaufman; Vicki Kaufman; Wade Litchfield
Cc: REHWINKEL.CHARLES; POUCHER.EARL
Subject: 090009-EI Amendment to Prehearing Statement Public Counsel 8.18.09

Electronic Filing

a. Person responsible for this electronic filing:

Charles Rehwinkel, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330
rehwinkel.charles@leg.state.fl.us

b. Docket No. 090009-EI

In re: Nuclear Power Plant Cost Recovery Clause.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 3 pages.

e. The document attached for electronic filing is 090009-EI Amendment to Prehearing Statement Public Counsel (See attached file: 090009-EI Amendment to Prehearing Statement Public Counsel 8.18.09) Thank you for your attention and cooperation to this request.

Monica R. Woods
Administrative Assistant to Charles Rehwinkel
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 487-6419

8/18/2009

DOCUMENT NUMBER-DATE
08577 AUG 18 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Nuclear Cost Recovery
Clause.

DOCKET NO.: 090009-EI
FILED: August 18, 2009

**AMENDMENT TO THE PREHEARING STATEMENT OF THE
OFFICE PUBLIC COUNSEL**

The Citizens of the State of Florida, through the Office of Public Counsel, consistent with the Order Establishing Procedure in this docket, Order No. PSC-09-0137-PCO-EI, issued March 6, 2009, hereby amends its prehearing statement filed August 10, 2009. The amendment supplies a position on issues 21 and 27 and identifies the issues to which Dr. William R. Jacobs's testimony is directed.

1. DR. JACOBS TESTIMONY IS DIRECTED TO:

For FPL:

Issues 7,7A, 8, 8A and 11.

For PEF:

Issues 21, 21A, 23, 23A.

2. THE POSITION OF THE PUBLIC COUNSEL FOR ISSUE 21 IS PROVIDED AS FOLLOWS:

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?

DOCUMENT NUMBER-DATE

08577 AUG 18 09

FPSC-COMMISSION CLERK

OPC:

No. At this time, due to the status of the LAR(s) (License Amendment Request) relative to the expenditures to date for the final phases of the CR 3 EPU, the Commission cannot conclude that management, contracting and oversight controls were reasonable and prudent with respect to the EPU. The Commission should take note of the status of the NRC/s review and approval process and place PEF on notice that costs expended for projects yet to be licensed – although recoverable at this time -- maybe subject to prudence review if licensing is not achieved. This would not be hindsight review, but recognition that PEF has assumed the risk of proceeding with the lion's share of the expenditures before achieving a reasonable certainty that licensing will be achieved for the full extent of the uprate in thermal power.

J.R. Kelly
Public Counsel



Charles J. Rehwinkel
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

Attorney for the Citizens
of the State of Florida

DOCKET NO. 090009-EI
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **AMENDMENT TO THE PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL** has been furnished by U.S. Mail and electronic mail to the following parties on this 18th day of August, 2009.

John T. Burnett /Alexander Glenn
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, FL 33733-4042

John McWhirter, Jr.
c/o McWhirter Law Firm
Florida Industrial Power Users Group
PO Box 3350
Tampa, FL 33601

Keino Young/Lisa Bennett
Anna Williams/Sheri Coverman
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 East College Ave, Suite 800
Tallahassee, FL 32301-7740

Vicki G. Kaufman/Jon C. Moyle, Jr.
Florida Industrial Power Users Group
118 North Gadsden Street
Tallahassee, FL 32301

Thomas Saporito
Saporito Energy Consultants
P.O. Box 8413
Jupiter, FL 33760

Matthew R. Bernier
Carlton Fields Law Firm
215 South Monroe St., Suite 500
Tallahassee, FL 32301-1866

Honorable Charles S. Dean
Senate Majority Whip
311 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Randy B. Miller
White Springs Agriculture
Chemicals, Inc
P.O. Box 300
White Springs, FL 32096

Mr. Wade Litchfield
Florida Power & Light Company
215 South Monroe St., Suite 810
Tallahassee, FL 32301-1859

Honorable Mike Fasano
8217 Massachusetts Ave
New Port Richey, FL 34653

Shayla L. McNeill, Capt, USAF
Federal Executive Agencies
c/o AFLSA/JACL-ULT
139 Barnes Drive, Suite 1
TYNDALL AFB, FL 32403-5319

J. Michael Walls/ Diane M. Triplett
Carlton Fields Law Firm
P.O. Box 3239
Tampa, FL 33601-3239

Southern Alliance for Clean Energy, Inc
E. Leon Jacobs
1720 South Gadsden Street MS 14, Ste 20
Tallahassee, FL 32301

Tamela Ivy Perdue
Associated Industries of Florida
516 North Adams Street
Tallahassee, FL 32301

Bryan J. Anderson/Jessica Cano/ Garson R.
Florida Power and Light Company
700 Universe Blvd
Juno Beach, FL 33418

James W. Brew/F. Alvin Taylor
1025 Thomas Jefferson St. NW, 8th Flo,
West Tower
Washington, DC 20007

Gary A. Davis/ James S. Whitlock
Gary A. Davis & Associates
P.O. Box 649
Hot Springs, NC 28743



Charles J. Rehwinkel
Associate Public Counsel