

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** February 17, 2010  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Thomas E. Ballinger, Utilities System/Engineering Spec Supervisor, Division of  
Regulatory Analysis *TB RLT*  
**RE:** Letter to FPL Regarding DeSoto Solar Project – Undocketed Correspondence *ms*

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Please place the attached letter in Docket Number 100000-OT, Undocketed Correspondence. If you have any questions or need any additional information, please contact me.

Attachment  
Cc: w/attachment  
Beth Salak  
Bob Trapp  
Jennifer Brubaker

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STATE OF FLORIDA



DIVISION OF REGULATORY ANALYSIS  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

# Public Service Commission

February 12, 2010

Mr. Wade Litchfield  
VP Reg. Affairs & Chief Reg. Counsel  
215 South Monroe Street, Suite 810  
Tallahassee, FL 32301-1858

**Re: DeSoto Solar Project with the Department of Environmental Protection**

Dear Mr. Litchfield:

On January 29, 2010, FPL filed its Site Certification Application (SCA) for the DeSoto Solar Project with the Department of Environmental Protection (DEP). At the time of the SCA filing and as of the date of this correspondence, FPL has not filed a Petition for the Determination of Need for the proposed facility with the Florida Public Service Commission (Commission) as required by the Florida statutes.

Pursuant to Section 403.519, F.S., the Commission must determine the need for any electrical power plant subject to the Florida Electrical Power Plant Siting Act. The Commission is the sole forum for the determination of need which shall not be raised in any other forum or in the review of proceedings in such other forum. Section 403.507(4)(b), F.S., requires an affirmative determination of need as a condition precedent to the DEP continuing its certification process.

Please be further advised that Rule 25-22.082, Florida Administrative Code (F.A.C.), requires each public utility to evaluate alternatives to its next planned generating unit by issuing a Request for Proposals (RFP) prior to filing a petition for determination of need to ensure that the proposed addition is the most cost-effective alternative.

Section 403.5066(1)(a), F.S., requires affected agencies to file a statement with the DEP regarding the completeness of the SCA within 30 days of the filing, which would be March 3, 2010. In the absence of a Petition for the Determination of Need, it is staff's opinion that FPL's SCA filing with the DEP is currently incomplete.

In light of the above, we would respectfully request that FPL inform staff of when it plans to file a Petition for the Determination of Need for the DeSoto Solar Project. I would appreciate a response to the concerns outlined above no later than February 19, 2010.

Sincerely,

A handwritten signature in black ink that reads "Beth W. Salak".

Beth W. Salak  
Director, Division of Regulatory Analysis

cc: Ann Seiler; DEP Power Plant Siting Staff

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