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From: Springer, Pamela <Pamela.Springer@fpl.com> on behalf of Moncada, Maria <Maria.Moncada@fpl.com>
Sent: Thursday, September 19, 2013 2:14 PM
To: Filings@psc.state.fl.us
Subject: Electronic Filing / Dkt 130007-EI / FPL's Response to Petition to Intervene of DeSoto County Generating Company, LLC
Attachments: Response to DeSoto Petition To Intervene.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 130007 – EI
In re: Environmental Cost Recovery Clause

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 4 pages

e. The document attached for electronic filing is Florida Power & Light Company's Response To Petition To Intervene Of DeSoto County Generating Company, LLC.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause

Docket No: 130007-EI

Date: September 19, 2013

**FLORIDA POWER & LIGHT COMPANY'S RESPONSE TO PETITION
TO INTERVENE OF DeSOTO COUNTY GENERATING COMPANY, LLC**

Florida Power & Light Company, pursuant to Rule 25-106.204, Florida Administrative Code (2013), submits this response to DeSoto County Generating Company, LLC's ("DeSoto") Petition To Intervene in Docket 130007-EI. FPL states as follows:

1. On September 13, 2013, DeSoto petitioned to intervene in this Docket.
2. On the same date, DeSoto filed the testimonies of Kathy A. French and Carolyne Wass. Ms. French and Ms. Wass allege in their testimony that Desoto owns and operates a natural gas fired electrical power plant (the "DeSoto Facility") that can provide peaking capacity for FPL at a lower cost than the amount FPL anticipates to incur as part of the NO₂ Compliance Project designed to address the Environmental Protection Agency's new environmental air emissions requirement. DeSoto's ultimate parent is LS Power Group, a New York company.
3. According to DeSoto's Petition To Intervene, it is an FPL customer, and as such, it has a substantial interest in having fair, just and reasonable rates. It is clear from DeSoto's testimony, however, that its intervention is motivated primarily by its economic interest in finding a market for the DeSoto Facility. That economic interest is not an accepted basis for standing. *Agrico Chemical Co. v. Dep't of Environmental Regulation*, 406 So. 2d 478, 482 (Fla. 2d DCA 1981).
4. Within the past few weeks, DeSoto approached FPL regarding a possible transaction. FPL is reviewing the proposals as an alternative for NO₂ compliance, and assessing

the underlying technical assumptions, including whether and at what cost the DeSoto plant could be retrofitted with guaranteed quick start capability.

5. FPL believes that DeSoto's decision to seek intervention in this Docket is driven primarily by its economic interests as a power plant owner and operator rather than as a rate payer. Nonetheless, FPL does not object to DeSoto's intervention and participation in the docket as a retail customer, rather than as a competitor or as a proposed vendor of assets or power. In any event, FPL's intention is to finalize its review of the DeSoto proposals and to continue any relevant discussions with DeSoto.

Respectfully submitted,

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By: s/ Maria J. Moncada
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CERTIFICATE OF SERVICE

Docket No. 130007-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Response To Petition To Intervene Of Desoto County Generating Company, LLC has been furnished by electronic mail and United States Mail this 19th day of September, 2013 to the following:

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