

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Determination of Need for )  
Citrus County Combined Cycle Power Plant )     DOCKET NO. 140110-EI  
\_\_\_\_\_ )     FILED: August 13, 2014

**PETITION TO INTERVENE BY**  
**SOUTHERN ALLIANCE FOR CLEAN ENERGY**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rules 25-22.039 and 28-106.205, Florida Administrative Code, Southern Alliance for Clean Energy (“SACE”), through its undersigned counsel, petitions for leave to intervene in the above captioned docket and in support thereof states:

**I.     AGENCY AFFECTED**

1. The name and address of the agency affected by this petition is

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**II.    IDENTIFICATION OF THE INTERVENORS AND THEIR COUNSEL**

2. The name and address of Petitioner is:

Southern Alliance for Clean Energy  
P.O. Box 1842  
Knoxville, Tennessee 37901  
Telephone: (865) 637-6055

3. The name and address of counsel for Petitioners, authorized to receive all notices, pleadings, and other communications in this docket is:

George Cavros, Esq.  
Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd., Suite 105  
Fort Lauderdale, FL 33334

(954) 295-5714 (tel)  
(866) 924-2824 (fax)

### **III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION**

4. Petitioners received notice of the Florida Public Service Commission's ("Commission") action on May 29, 2014 through its first Order Establishing Procedure.

### **IV. THE INTERVENOR'S SUBSTANTIAL INTERESTS**

5. SACE is a non-profit clean energy corporation organized under the laws of the state of Tennessee and authorized to conduct operations in the State of Florida. The mission of SACE, as reflected in its bylaws, is to advocate for energy plans, policies and systems that best serve the environmental, public health and economic interest of communities in the Southeast, including Florida. SACE's stated mission is to promote responsible energy choices that create climate change solutions and ensure clean, safe and healthy communities throughout the Southeast.

6. SACE has staff in Florida working to advance energy plans and policies that best serve the environmental, public health and economic interests of communities in Florida. In addition, there are 235 SACE members residing in Florida and dedicated to promoting responsible energy choices that achieve clean, safe and healthy communities. A substantial number of SACE's Florida members (38 members) reside in the service territory of Duke Energy Florida, Inc. ("DEF").

7. To further its mission of promoting clean, safe and healthy communities that best serve the economic interests of its members, SACE has presented experts and provided technical testimony in numerous forums throughout Florida, including before the Governor's Climate and Energy Action Team, the Florida State Legislature, the Department of Environmental Protection, and the Commission. SACE has been granted intervention by this Commission in a number of

proceedings, including *In re: Commission review of numeric conservation goals*, Docket Nos. 080407-EG – 080413-EG; 130199- 130022; *In re: Energy conservation cost recovery clause*, Docket Nos. 110002-EG – 140002-EG; *In re: Petition of approval of demand-side management plan of Progress Energy Florida, Inc.*, Docket No. 100160-EG; *In re: Petition of approval of demand-side management plan of Tampa Electric Company*, Docket No. 100159-EG; *In re: Petition of approval of demand-side management plan of Florida Power & Light Company*, Docket No. 100155-EG; *In re: Petition of approval of demand-side management plan of Gulf Power Company*, Docket No. 100154-EG; *In re: Nuclear cost recovery clause*, Docket Nos. 090009-EI – 130009-EI; *In re: Examination of the outage and replacement fuel/power costs associated with the CR3 steam generator replacement project, by Progress Energy Florida, Inc.*, Docket No. 100437-EI; and *In re: Petition to determine need for Polk Unit 6 electrical power plant, by Tampa Electric Company*, Docket No. 070467-EI.

## **V. STATEMENT OF AFFECTED INTERESTS**

8. SACE and its members advocate for low cost, low risk resources to meet electricity demand, which includes increased energy efficiency implementation and meaningful solar development. This advocacy ensures that, pursuant to SACE's bylaws, resource decisions will be realized that best serve the environmental, public health and economic interest of SACE members. In this docket, the Commission will issue an order that sets forth approval, in whole or in part, or denial, of DEF's petition regarding the need for the proposed new 1,640 MW natural gas combined cycle plant, expected to cost over \$1.5 billion, to meet DEF's projected customer electricity demand. The burden of proof rests with DEF to show that it has met its statutory obligation to appropriately analyze and value roles that energy efficiency and renewable energy technologies can play in deferring or displacing the need for the proposed power plant. SACE

members who are DEF customers will bear the cost of the Commission's decision in this docket. Moreover, the Commission's decisions will necessarily affect resource decisions now and in the future for SACE members in DEF's service territory. SACE wishes to ensure that those resource choices are consistent with its mission. Therefore, the Commission's order in the above captioned docket will necessarily affect the substantial interests of SACE and its members.

9. These are the type of interests this proceeding is designed to protect because the purpose of this case coincides with the substantial interests of SACE and its members. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), reh. denied, 415 So.2d 1359 (Fla. 1982); *Florida Home Builders Ass'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982).

10. SACE is authorized by its bylaws to represent its interests and the interests of its members in legal actions, including formal administrative actions such as these. The subject matter of this docket is well within the scope of interest and activities of SACE, and the relief requested is the type of relief appropriate for SACE to receive on behalf of its members. The rights and interests of SACE and its members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

11. SACE's intervention is timely and consistent with the Commission's Order Establishing Procedure at 9, and Rule 25-22.039, F.A.C.

## **VI. STATEMENT OF DISPUTED ISSUES OF FACT**

12. The disputed issues of material fact in this proceeding will include, but may not be limited to the following:

- a. Is the proposed Citrus County Combined Cycle Power Plant needed, taking into account the need for electric system reliability and integrity
- b. Is the proposed Citrus County Combined Cycle Power Plant needed, taking into account the need for adequate electricity at a reasonable cost?
- c. Is the proposed Citrus County Combined Cycle Power Plant needed, taking into account the need for fuel diversity and supply reliability, as this criterion is used in Section 403.519, Florida Statutes?
- d. Are there any renewable energy sources and technologies, or conservation measures taken by or reasonably available to DEF that might mitigate the need for the proposed Citrus County Combined Cycle Power Plant?
- e. Is the proposed Citrus County Combined Cycle Power Plant needed, taking into account the need for fuel diversity and supply reliability.
- f. Is Duke's proposal to bring the Citrus County Combined Cycle Power Plant into commercial service in 2018 the most cost-effective alternative available to meet the needs of Duke Energy Florida and its customers?

## **VII. STATEMENT OF ULTIMATE FACT**

13. As described above, in the above-captioned proceeding, the Commission will determine the need for DEF's proposed 1,649 MW natural gas plant and the associated \$1.5 billion plus cost that will be passed on the DEF customers, including DEF customers who are members of SACE. SACE believes that DEF may not have adequately analyzed the role that energy efficiency and renewable energy technologies, including solar power, can play in deferring or displacing the need for the plant.

## **VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED**

14. The rules and statutes that entitle SACE to intervene and participate in this case include, but are not limited to, the following:

- a. §120.569, Fla. Stat.;

- b. § 120.57, Fla. Stat.;
- c. §403.519, Fla. Stat.;
- d. R. 25-22.039 F.A.C.; and
- e. R. 28-106.205, F.A.C.

**IX. RELIEF SOUGHT**

15. WHEREFORE, the Southern Alliance for Clean Energy respectfully requests that the Commission enter an order granting it leave to intervene in the above-styled docket as a full party, and further requests parties to provide the undersigned with all pleadings, testimony, evidence and discovery filed in said dockets.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of August, 2014

/s/ George Cavros  
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(954) 295-5714 (tel)  
(866) 924-2824 (fax)

*Counsel for Petitioner*  
*Southern Alliance for Clean Energy*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 13<sup>th</sup> day of August, 2014 via electronic mail on:

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