

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: DeSoto County Generating Company,
LLC's objections to Florida Power & Light
Company's 2015 request for proposals.

DOCKET NO. 150100-EI
ORDER NO. PSC-15-0171-PCO-EI
ISSUED: May 5, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

PRELIMINARY ORDER
BASED UPON PLEADINGS AND ORAL ARGUMENT BY
DESOTO COUNTY GENERATING COMPANY, LLC
AND
FLORIDA POWER & LIGHT COMPANY

BY THE COMMISSION:

On March 26, 2015, pursuant to Chapters 120 and 366, Florida Statutes (F.S.), and Rule 25-22.082, Florida Administrative Code (F.A.C.), DeSoto County Generating Company, LLC (DeSoto) filed its objection to Florida Power & Light Company's (FPL) March 16, 2015 Request for Proposals (RFP). On March 31, 2015, pursuant to Section 350.0611, F.S., the Citizens of the State of Florida filed a Notice of Intervention. On that same day, FPL filed its response to the DeSoto objection.

Pursuant to Rule 25-22.082(12), F.A.C., the Florida Public Service Commission must determine, within 30 days of the objection to an RFP being filed, "whether the objection as stated would demonstrate that a rule violation has occurred, based on the written submission and oral argument by the objector and the public utility, without discovery or an evidentiary hearing." Given the expedited and informal nature of this process, our decision concerning the objection is necessarily informal, preliminary, and advisory. We have jurisdiction over this matter pursuant to Section 403.519, F.S., and the provisions of Chapter 366, F.S., including Sections 366.04, 366.041, 366.05, 366.051, 366.06, and 366.07.

Having considered the written submission and oral argument by DeSoto and FPL, we find that DeSoto's objection to FPL's RFP does not demonstrate a rule violation. This is a preliminary decision. Should FPL decide to build the power plant identified in its RFP, we will be required to determine "whether the proposed plant is the most cost-effective alternative available" when we review the matter pursuant to Section 403.519(3), F.S. At that time, we will

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have an opportunity to evaluate FPL's decisions based upon an evidentiary record and the parties to that proceeding will have an opportunity to conduct discovery on the subject.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that DeSoto County Generating Company, LLC's objection to Florida Power & Light Company's March 16, 2015 Request for Proposals does not demonstrate a violation of Rule 25-22.082, F.A.C. It is further,

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 5th day of May, 2015.



CARLOTTA S. STAUFFER

Commission Clerk

Florida Public Service Commission

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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM