

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for determination of need for
Okeechobee Clean Energy Center Unit 1
By Florida Power & Light

DOCKET NO.: 150196-EI

FILED: September 17, 2015

**FLORIDA INDUSTRIAL POWER USERS GROUP'S
PETITION TO INTERVENE**

Pursuant to sections 120.569, 120.57, Florida Statutes, and rules 25-22.039, 28-106.201 and 28-106.205, Florida Administrative Code, the Florida Industrial Power Users Group (FIPUG), through its undersigned counsel, files its Petition to Intervene. In support thereof, FIPUG states the following:

1. Name and address of agency. The affected agency is the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

2. Name and address of Petitioner. The name and address of the Petitioner is:

Florida Industrial Power Users Group
c/o Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 681-3828
Facsimile: (850) 681-8788

3. Petitioner's representatives. Copies of all pleadings, notices and orders in this docket should be provided to:

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4. Notice of docket. Petitioner received notice of this docket by a review of the Commission's website.

5. Statement of Substantial Interests. FIPUG is an ad hoc association consisting of industrial users of electricity in Florida. Many of FIPUG's members are customers of Florida Power & Light Company ("FPL"). The cost of electricity constitutes a significant portion of FIPUG members' overall costs of production. FIPUG members require adequate, reasonably-priced electricity in order to compete in their respective markets.

6. In this case, the Commission will consider FPL's request to determine the need for the construction of a combined cycle generating units that will produce approximately 1,622 MW (summer) at a greenfield site in Okeechobee county. FPL estimates the cost for this project to be \$1.196 billion dollars. FPL's plans to construct this project and ultimately recover the costs from ratepayers, including FIPUG members, will affect FIPUG members' substantial interests. As customers of FPL, FIPUG members' substantial interests are and will be affected by the proceedings in this docket.

7. FIPUG's interests are of the type that this proceeding is designed to protect. See, *Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2nd DCA 1981). The purpose of the proceeding is to evaluate FPL's request and determine if the requests have merit and should be approved, modified or disapproved. Thus, the purpose of the proceeding coincides with FIPUG's substantial interests, which is to ensure that the rates it pays to FPL are just and reasonable.

8. Disputed Issues of Material Fact. Disputed issues of material fact include, but are not limited to, the following:

- a. Is there a need for the Okeechobee Clean Energy Center Unit 1 (“Okeechobee Project”)?
- b. Are there other technologies, including renewable technologies, that could mitigate any such need?
- c. Are FPL’s projected costs for the Okeechobee Project reasonable?
- d. Will FPL’s Okeechobee Project provide reliable electricity at a reasonable cost?
- e. Will FPL’s Okeechobee Project promote fuel diversity?
- f. Is the Okeechobee Project the most cost-effective source of power?
- g. Can FPL adequately serve its projected energy load without the Okeechobee Project?
- h. Does the Okeechobee Project promote generation diversity within FPL’s generating fleet?
- i. Should the Commission apply FPL’s proposed Generation Reserve Margin as a new planning criterion, and if so, should the criterion be adopted through rulemaking?
- j. Is the Okeechobee Project the most cost effective option available to meet FPL’s projected need?

9. Disputed Legal Issues. Disputed legal issues include, but are not limited to, the following:

- a. Has FPL carried its burden to prove that the Okeechobee Project meets all the required statutory?

10. Statement of Ultimate Facts Alleged. Ultimate facts include, but are not limited to, the following:

- a. Whether the Okeechobee Project is needed, and if so, is the Okeechobee Project the most cost-effective project to meet FPL's need.

11. Rules and statutes justifying relief. The rules and statutes that entitle FIPUG to intervene and participate in this case include, but are not limited to:

- a. Section 120.569, Florida Statutes;
- b. Section 120.57, Florida Statutes;
- c. Section 366.04, Florida Statutes;
- d. Section 403.519, Florida Statutes;
- e. Rule 25-22.039, Florida Administrative Code.

12. Position of FPL. FIPUG is authorized to represent that FPL does not oppose FIPUG's Petition to Intervene.

13. Relief. FIPUG requests that it be permitted to intervene as a full party in this docket.

WHEREFORE, FIPUG requests that the Commission enter an order allowing it to intervene and participate as a full party in this docket.

/s/ Jon C. Moyle

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Florida Industrial Power Users Group's Petition to Intervene has been furnished by electronic mail this 17th day of September, 2015, to the following:

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