

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for determination of need for
Okeechobee Clean Energy Center Unit 1, by
Florida Power & Light Company.

DOCKET NO. 150196-EI

FILED: September 23, 2015

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)

Gary A. Davis
James S. Whitlock
DAVIS & WHITLOCK, P.C.
21 Battery Park Avenue, Suite 206
Asheville, North Carolina 28801
Tel: (828) 622-0044
Fax: (828) 398-0435
gadavis@enviroattorney.com
jwhitlock@enviroattorney.com

III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION

4. Petitioners received notice of the Florida Public Service Commission's ("Commission") proposed action through the Company's petition filing on the Commission's website.

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. 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 interests of SACE members.

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, SACE has hundreds of members residing in Florida who are dedicated to promoting

responsible energy choices that achieve clean, safe and healthy communities. Moreover, a substantial number of SACE's Florida members reside in the service territory of Florida Power & Light Company ("FPL").

7. To further its mission, SACE has presented experts and provided technical testimony in numerous forums throughout Florida, including before the Florida State Legislature, the Department of Environmental Protection, and this Commission. SACE has been granted intervention by this Commission in a number of conservation goals, cost recovery, and need determination dockets, including *In re: Commission review of numeric conservation goals*, Docket Nos. 080407-EG – 080413-EG and 130199-EI – 130022-EI; *In re: Petition of approval of demand-side management plan of Florida Power & Light Company*, Docket No. 100155-EG; *In re: Energy conservation cost recovery clause*, Docket Nos. 110002-EG - 140002-EG; *In re: Nuclear Cost Recovery Clause*, Docket Nos. 100009-EG – 150009-EG; *In re: Petition for Determination of Need for Citrus County Combined Cycle Power Plant*, Docket No. 140110-EI, and *In re: Petition to determine need for Polk Unit 6 electrical power plant, by Tampa Electric Company*, Docket No. 070467-EI.

8. In this docket, the Commission will issue an order that sets forth approval, in whole or in part, or denial, of the FPL petition requesting a need determination for the 1,622 MW natural gas combined cycle plant at a greenfield site in Okeechobee County, with a projected cost of approximately \$1.2 billion, to meet FPL's projected customer electricity demand. SACE's intends to examine whether FPL has met its burden to utilize conservation measures and renewable energy technologies, to the extent available; whether a new costly power plant that further feeds the state's over-reliance on natural gas adds to fuel diversity; whether it's the most cost-effective alternative to meeting demand; and whether FPL's self-imposed reliability

standards are intended to serve its customer, or its shareholders by promoting unnecessary power plant construction.

9. SACE members who are FPL customers will bear the cost of the Commission's decision in this docket. Moreover, the Commission's decision(s) will necessarily affect resource decisions now and in the future for SACE members in FPL's service territory. SACE's 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.

10. 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).

11. 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.

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

V. STATEMENT OF DISPUTED ISSUES OF FACT

13. The disputed issues of material fact in this proceeding include, but are not limited to:

- A. Is there a need for the proposed Okeechobee Clean Energy Center Unit 1?
- B. Will the proposed Okeechobee Clean Energy Center Unit 1 provide the most cost-effective alternative?
- C. Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light, which might mitigate the need for the proposed Okeechobee Clean Energy Center Unit 1?
- D. Is there a need for the proposed Okeechobee Clean Energy Center Unit, taking into account the need for electric system reliability and integrity?
- E. Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for adequate electricity at a reasonable cost?
- F. Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for fuel diversity?
- G. What reserve margin criterion should be used to determine FPL's need?
- H. Should the Commission approve FPL's self-imposed generation only reserve margin criteria?

VI. STATEMENT OF ULTIMATE FACT

14. The 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 projected need.

VII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED

15. The statutes and rules 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.

VIII. RELIEF SOUGHT

16. 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

RESPECTFULLY SUBMITTED this 23rd day of September, 2015

/s/ George Cavros
George Cavros
Southern Alliance for Clean Energy
120 E. Oakland Park Blvd., Suite 105
Fort Lauderdale, FL 33334
(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 and correct copy of the foregoing was served by electronic mail this 23rd day of September, 2015, to the following:

Kelly Corbari Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 KCorbari@psc.state.fl.us	William P. Cox 700 Universe Boulevard Juno Beach, FL 33408 Will.Cox@fpl.com
Patricia Christensen, Charles Rehwinkel Office of Public Counsel c/o Florida Legislature 111 West Madison Street, #812 Tallahassee, FL 32399 Christensen.patty@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us	Kenneth Hoffman Florida Power and Light 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858 Ken.Hoffman@fpl.com
Jon C. Moyle, Jr. Moyle Law Firm, PA 118 N. Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com	

/s/ George Cavros
George Cavros, Esq.