

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: December 9, 2015

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
POST-HEARING STATEMENT OF ISSUES
AND POSITIONS AND POST-HEARING BRIEF**

The Florida Industrial Power Users Group (FIPUG), by and through its undersigned counsel, files this Post-Hearing Statement of Issues and Positions and Post-Hearing Brief in the above-styled matter.

BASIC POSITION AND SUMMARY

Florida Power & Light Company ("FPL") did not meet its burden of proof to establish that its proposed Okeechobee combined cycle power plant is needed in the summer of 2019. The need determination petition should not be granted.

ISSUES

ISSUE 1: Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(3), Florida Statutes?

FIPUG: No.

ISSUE 2: 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?

FIPUG: Yes.

ISSUE 3: 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, as this criterion is used in Section 403.519(3), Florida Statutes?

FIPUG: No.

ISSUE 4: Is there a need for the proposed Okeechobee Clean Energy Center Unit 1, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(3), Florida Statutes?

FIPUG: No.

ISSUE 5: Will the proposed Okeechobee Clean Energy Center Unit 1 provide the most cost-effective alternative, as this criterion is used in Section 403.519(3), Florida Statutes?

FIPUG: No.

ISSUE 6: Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light's petition to determine the need for the proposed Okeechobee Clean Energy Center Unit 1?

FIPUG: No.

ISSUE 7: Should this docket be closed?

FIPUG: Yes.

Discussion of Issue

FPL did not meet its burden of proof to show that its proposed Okeechobee Power Plant is needed in the summer of 2019 and its need determination should be denied. Alternatively, deferral of the proposed plant should be considered as being more advantageous to consumers. Furthermore, the process for providing consumers with the most cost effective option to meet FPL's alleged need was harmed by having only one third party offer a competing bid in accord with the Commission's bid rule. In more than 20 years since its adoption, the Commission's bid rule has never been successfully by a third party bidder. The bid rule should be reviewed and changes considered, including having more robust Commission involvement and oversight when

bids are solicited and evaluated. Because FPL did not prove its case, its need determination petition should be denied or deferred.

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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 Post Hearing Brief has been furnished by electronic mail this 9th day of December, 2015, to the following:

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