

IN THE FLORIDA PUBLIC  
SERVICE COMMISSION  
DOCKET NOS. 160021-EI; 160061-EI;  
160062-EI; 160088-EI

SIERRA CLUB	)	
	)	
Appellant,	)	CASE NO. SC17-82
	)	
v.	)	
	)	
JULIE IMANUEL BROWN, ETC.,	)	AMENDED DIRECTIONS TO CLERK
ET AL.,	)	
	)	
Appellees.	)	

---

Appellant, Sierra Club, amends its Directions to the Clerk filed on January 27, 2017, as follows:

1. In the above-captioned case, Appellant appealed Commission Order No. PSC-16-0560-AS-EI. This final order authorized Florida Power & Light Company (“FPL”) to increase its rates and charge its customers for the billion-dollar expansion of certain fossil fuel-burning power plants, which the Commission has never determined to be the prudent, least-cost option to serve customers. Here, Appellant’s appeal focuses on the Commission’s acts and omissions with respect to that authorization, and not the other, disparate issues raised in consolidated Docket Nos. 160021-EI, 160061-EI; 160062-EI; and 160088-EI.

2. On March 8, 2017, FPL moved to strike from the record seven items identified in Appellant’s Directions to the Clerk. As stated in Appellant’s response,

the seven items should all be included in the record, and are all subject to judicial notice by the Florida Supreme Court. Nonetheless, to conserve judicial resources, Appellant hereby withdraws the seven items, listed in “Table 1” below, from its original directions.

<b>Table 1</b>			
<b>Docket No.</b>	<b>Document No.</b>	<b>Date Filed</b>	<b>Description</b>
130007	03671-13	6/28/13	FPL Petition for approval of environmental cost recovery (initial pleading on the power plant buildout at issue in this case)
130007	5923-13	10/03/13	Florida Industrial Power Users Group Motion to establish separate “spin-off” docket (identifying the need for additional time to review the prudence of FPL’s planned power plant buildout)
130000	06257-13	10/16/13	Sierra Club Letter to Commission (discussing the prudence review of FPL’s planned power plant buildout)
130007	07192-13	1/27/13	FPL Motion to postpone hearing (identifying the need for additional time to amend petition with respect to the identification of the most cost-effective alternative to FPL’s planned power plant buildout)
130007	07261-13	2/4/13	FPL Notice of voluntary dismissal of petition (identifying intent to file amended petition)
150000	08046-15	12/30/15	Sierra Club Letter to Commission (discussing the prudence review of FPL’s planned power plant buildout)
160000	08194-16	10/13/16	Sierra Club Letter to Commission (discussing the prudence review of FPL’s planned power plant buildout, Commission attached this letter to its November 2016 report on the plans)

3. Appellant directs the Commission Clerk to include in the record the items listed in “Table 2,” which are all of the items in Appellant’s original directions to the Clerk, except for the seven withdrawn items.

4. As before, with these Amended Directions, Appellant does not seek to exclude items from the record pursuant to rule 9.200(a)(2), Fla. R. App. P. 9.200(a)(2).

<b>Table 2</b>		
<b>Document No.</b>	<b>Date Posted</b>	<b>Description</b>
06501-13	10/28/2013	Prehearing Order PSC-13-0513-PHO-EI, including parties’ positions on FPL’s fossil fuel-burning power plant expansion projects.
07207-13	12/02/2013	Order PSC-13-0636-PCO-EI changing hearing dates.
07644-13	12/31/2013	Order PSC-13-0687-FOF-EI acknowledging withdrawal of FPL’s Petition dated 6/28/13, and intent to file amended petition.
00243-16	01/15/2016	FPL Letter to Chairman Brown re: request for base rate increase, including fossil fuel-burning power plant expansion projects.
00359-16	01/20/2016	Chairman Brown Letter to FPL re: docket on requested rate increase.
00694-16	02/03/2016	Office of Public Counsel [OPC] Notice of intervention.
01285-16	03/10/2016	Order PSC-160098-PCO-EI acknowledging OPC intervention.
01330-16	03/11/2016	FIPUG Petition to intervene.
01383-16	03/15/2016	FPL Petition for base rate increase.
01412-16	03/15/2016	FPL Schedules for Okeechobee fossil fuel-burning power plant limited scope adjustment, Vol 1 of 1.

<b>Document No.</b>	<b>Date Posted</b>	<b>Description</b>
01602-16	03/25/2016	Order PSC-160125-PCO-EI establishing procedure.
01616-16	03/28/2016	Wal-Mart Stores East, LP, Sam's East, Inc. [Walmart] Petition to intervene.
01742-16	04/04/2016	Order PSC-160132-PCO-EI granting intervention to FIPUG.
01746-16	04/04/2016	Order PSC-160134-PCO-EI granting intervention to Walmart.
01827-16	04/06/2016	Federal Executive Agencies [FEA] Petition to intervene.
01920-16	04/08/2016	South Florida Hospital and Healthcare Association [SFHHA] Petition to intervene.
01921-16	04/08/2016	OPC Motion to modify key activities dates and discovery timeframes.
02345-16	04/21/2016	Order PSC-160157-PCO-EI granting intervention to FEA.
02346-16	04/21/2016	Order PSC-160158-PCO-EI granting intervention to SFHHA.
02384-16	04/22/2016	Staff Motion to consolidate dockets.
02454-16	04/25/2016	AARP Petition to intervene.
02505-16	04/25/2016	Florida Retail Federation [FRF] Petition to intervene.
02697-16	05/03/2016	FPL First notice of identified adjustments.
02733-16	05/04/2016	Order PSC-160182-PCO-EI, first order revising order establishing procedure and granting motion to consolidate Docket Nos. 160021, 160061, 160062 and 160088 for all purposes.
02731-16	05/04/2016	Order PSC-160181-PCO-EI granting intervention to FRF.
02730-16	05/04/2016	Order PSC160180-PCO-EI granting intervention to AARP.
02755-16	05/05/2016	Vote sheet from 5/5/16 Commission conference, Item 3.

<b>Document No.</b>	<b>Date Posted</b>	<b>Description</b>
02848-16	05/09/2016	OPC Motion for reconsideration.
03267-16	05/27/2016	Order PSC-160211-PCO-EI, second order revising order establishing procedure.
03547-16	06/10/2016	Order PSC-160231-FOF-EI denying motion for reconsideration.
04119-16	06/30/2016	FPL Third notice of identified adjustments.
05172-16	07/18/2016	Sierra Club Request to name Diana A. Csank as qualified representative.
05179-16	07/18/2016	Sierra Club Petition to intervene.
05325-16	07/19/2016	Order PSC-16-0275-FOF-OT authorizing appearance of Diana A. Csank as Sierra Club qualified representative.
05524-16	07/22/2016	Daniel R. Larson; Alexandria Larson [Larsons] Petition to intervene.
05624-16	07/27/2016	Order PSC-16-0299-PCO-EI granting intervention to Sierra Club.
06307-16	08/09/2016	Order PSC-16-0323-PCO-EI granting intervention to Larsons.
06617-16	08/15/2016	Sierra Club Amended prehearing statement; notice of filing standing affidavits; with attached standing affidavits.
06663-16	08/15/2016	Transcript of 8/12/16 prehearing.
06885-16	08/19/2016	Prehearing Order PSC-16-0341-PHO-EI.
06941-16	08/23/2016	Transcript, Vol 1, pages 1 to 171 of 8/22/16 hearing.
06967-16	08/23/2016	Transcript, Vol 2, pages 172 to 328 of 8/22/16 hearing.
06968-16	08/23/2016	Transcript, Vol 3, pages 329 to 377 of 8/22/16 hearing.
06970-16	08/23/2016	Transcript, Vol 4, pages 378 to 460 of 8/22/16 hearing.
06971-16	08/24/2016	Transcript, Vol 5, pages 461 to 563 of 8/23/16 hearing.

<b>Document No.</b>	<b>Date Posted</b>	<b>Description</b>
06980-16	08/24/2016	Transcript, Vol 6, pages 564 to 721 of 8/23/16 hearing.
06995-16	08/24/2016	Transcript, Vol 8, pages 785 to 970 of 8/23/16 hearing.
06997-16	08/25/2016	Transcript, Vol 10, pages 1022 to 1239 of 8/24/16 hearing.
07014-16	08/25/2016	Transcript, Vol 11, pages 1240 to 1448 of 8/24/16 hearing.
07015-16	08/25/2016	Transcript, Vol 12, pages 1449 to 1531 of 8/24/16 hearing.
07016-16	08/25/2016	Transcript, Vol 13, pages 1532 to 1606 of 8/24/16 hearing.
07066-16	08/29/2016	Transcript, Vol 20, pages 2382 to 2576 of 8/25/16 hearing.
07068-16	08/29/2016	Transcript, Vol 21, pages 2577 to 2727 of 8/26/16 hearing.
07064-16	08/29/2016	OPC Motion to dismiss FPL's amended request for creation of a reserve amount amortization mechanism or alternatively, motion for directed final decision that FPL failed to support its request.
07131-16	08/30/2016	Sierra Club Filing of nine standing affidavits.
07136-16	08/30/2016	Transcript, Vol 26, pages 3301 to 3433 of 8/29/16 hearing.
07178-16	08/31/2016	Transcript, Vol 29, pages 4279 to 4365 of 8/30/16 hearing.
07179-16	08/31/2016	Transcript, Vol 30, pages 4366 to 4412 of 8/30/16 hearing.
07195-16	08/31/2016	Transcript, Vol 31, pages 4559 to 4760 of 8/30/16 hearing.
07217-16	09/01/2016	Transcript, Vol 32, pages 4761 to 4825 of 8/31/16 hearing.
07303-16	09/06/2016	Transcript, Vol 33, pages 4899 to 4946 of 8/31/16 hearing.
07333-16	09/07/2016	Transcript, Vol 35, pages 5345 to 5383 of 8/31/16 hearing.
07490-16	09/13/2016	Exhibit Nos. 404, 502, 552, 639, 662, and 751 of 8/22/16–9/1/16 hearing.
07558-16	09/16/2016	Memo re: corrected exhibits.
07663-16	09/19/2016	Sierra Club Post-hearing brief.

<b>Document No.</b>	<b>Date Posted</b>	<b>Description</b>
07661-16	09/19/2016	OPC Post-hearing brief.
07660-16	09/19/2016	FIPUG Post-hearing brief and statement of issues and positions.
07649-16	09/19/2016	FRF Post-hearing notice of concurrence in OPC brief and statement of issues and positions.
07639-16	09/19/2016	FPL Post-hearing brief and statement of issues and positions.
08050-16	10/06/2016	FPL, OPC, SFHHA, FRF Joint motion for approval of settlement agreement.
08091-16	10/10/2016	FPL, OPC, SFHHA, FRF Joint notice of clarification of stipulation and settlement.
08177-16	10/12/2016	Order PSC-16-0456-PCO-EI, fourth order revising order establishing procedure and setting procedural schedule for Commission consideration of settlement agreement.
08217-16	10/13/2016	FPL Updated certificate of conferral on joint motion for approval of settlement.
08437-16	10/24/2016	Second Prehearing Order PSC-16-0483-PHO-EI.
08615-16	11/02/2016	Transcript of 10/27/16 hearing on settlement.
08771-16	11/10/2016	Sierra Club Post-hearing brief on settlement.
08770-16	11/10/2016	OPC, SFHHA, FRF Post-hearing brief on settlement.
08769-16	11/10/2016	FPL Post-hearing brief on settlement.
08943-16	11/22/2016	Staff Memo dated 11/22/16 with attached presentation for 11/29/16 Commission conference.
09042-16	11/28/2016	Sierra Club Letter to Commission re 5,768 customer comments.
09052-16	11/29/2016	Vote sheet from 11/29/16 Commission conference
09087-16	12/01/2016	Transcript of 11/29/16 Commission conference.
09338-16	12/15/2016	Final Order PSC-16-0560-AS-EI on appeal.

Respectfully submitted,

*/s/ Diana A. Csank*

---

Joshua Smith  
Florida Bar No. 0096844  
Staff Attorney  
Sierra Club  
2101 Webster St., Suite 1300  
Oakland, CA 94612  
(415) 977-5560  
Joshua.Smith@sierraclub.org

Diana A. Csank  
Florida PHV No. 126766  
Staff Attorney  
Sierra Club  
50 F St. NW, Suite 800  
Washington, DC 20001  
(202) 548-4595  
Diana.Csank@sierraclub.org

*Counsel for Sierra Club*



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served electronically on this 21<sup>st</sup> day of March, 2017 on:

<p>Suzanne Brownless Samantha Cibula Rosanne Gervasi Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-1400 sbrownle@psc.state.fl.us rgervasi@psc.state.fl.us scibula@psc.state.fl.us</p>	<p>J.R. Kelly/Patricia Christensen/ Charles J. Rehwinkel/Erik Saylor/ Stephanie Morse Office of Public Counsel 111 W. Madison Street, Room 812 Tallahassee, Florida 32311 kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us saylor.erik@leg.state.fl.us morse.stephanie@leg.state.fl.us</p>
<p>Wade Litchfield, Esq. Florida Power &amp; Light Company 215 S. Monroe Street, Suite 810 Tallahassee, Florida 32301-1859 wade.litchfield@fpl.com</p>	<p>Kenneth A. Hoffman Florida Power &amp; Light Company 215 South Monroe Street, Suite 810 Tallahassee, Florida 32301 ken.hoffman@fpl.com</p>
<p>John T. Butler Florida Power &amp; Light Company 700 Universe Blvd. Juno Beach, FL 33408-0420 john.butler@fpl.com</p>	<p>Derrick Price Williamson Spilman Thomas &amp; Battle, PLLC 1100 Bent Creek Boulevard, Suite 101 Mechanicsburg, Pennsylvania 17050 dwilliamson@spilmanlaw.com <i>Attorney for Walmart Stores East, LP</i></p>
<p>Jon C. Moyle, Jr./Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden Street Tallahassee, Florida 32301 jmoyle@moylelaw.com kputnal@moylelaw.com <i>Attorneys for FIPUG</i></p>	<p>Stephanie U. Roberts Walmart Stores East, LP Spilman Thomas &amp; Battle, PLLC 110 Oakwood Drive, Suite 500 Winston-Salem, North Carolina 27103 sroberts@spilmanlaw.com <i>Attorney for Walmart Stores East, LP</i></p>
<p>S. Florida Hospital and Healthcare Ass'n Jaime Caldwell, Interim President 1855 Griffin Road Dania Beach FL33004 jcaldwell@sfhha.com</p>	<p>K. Wiseman/M. Sundback 1350 I Street NW, Suite 1100 Washington DC20005 kwiseman@andrewskurth.com <i>Attorneys for SFHHA</i></p>

<p>Federal Executive Agencies  Thomas A. Jernigan  c/o AFCEC/JA-ULFSC  139 Barnes Drive, Suite 1  Tyndall AFB FL32403  Thomas.Jernigan.3@us.af.mil</p>	<p>Gardner Law Firm  Robert Scheffel Wright/John T. La Via,  1300 Thomaswood Drive  Tallahassee FL32308  schef@gbwlegal.com  <i>Attorneys for Florida Retail Federation</i></p>
<p>Jack McRay  AARP Florida  200 West College Avenue, # 304  Tallahassee, Florida 32301  jmcray@aarp.org</p>	<p>John B. Coffman  John B. Coffman, LLC  871 Tuxedo Blvd.  St. Louis, MO 63119-2044  john@johncoffman.net  <i>Attorney for AARP</i></p>
<p>Nathan A. Skop  420 NW 50th Blvd.  Gainesville FL32607  n_skop@hotmail.com  <i>Attorney for the Larsons</i></p>	<p>Kenneth B. Bell  Gunster, Yoakley &amp; Stewart, P.A.  215 South Monroe Street, Suite 601  Tallahassee, FL 32301  kenbell@gunster.com  jhoppel@gunster.com  eservice@gunster.com  <i>Attorney for FPL</i></p>

This 21<sup>st</sup> day of March 2017.

*/s/ Diana A. Csank*

---

Diana A. Csank  
Florida PHV No. 126766