

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Nuclear Cost Recovery  
Clause.

DOCKET NO.: 180009-EI

FILED: July 12, 2018

**THE FLORIDA INDUSTRIAL POWER USERS GROUP'S  
PREHEARING STATEMENT**

The Florida Industrial Power Users Group ("FIPUG"), pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2018-0074-PCO-EI, issued February 9, 2018, hereby submits its Prehearing Statement.

**APPEARANCES:**

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**1. WITNESSES:**

All witnesses listed by other parties

**2. EXHIBITS:**

All exhibits listed by other parties.

**3. STATEMENT OF BASIC POSITION:**

**DEF**

FIPUIG takes no position and does not object to DEF's positions on the issues related to

the recovery of the CR3 EPU project which costs are being recovered pursuant to the provisions of the Revised and Restated Stipulation and Settlement Agreement (RRSSA) approved in Order No. PSC-13-0598-FOF-EI. For the Levy Nuclear Project (LNP), no costs should be recovered from customers.

### **FPL**

FPL has not filed a long-term feasibility study in the 2016, 2017 or 2018 Nuclear Cost Recovery Clause proceeding. Based on the lack of a 2016, 2017 or 2018 long-term feasibility study which demonstrates that FPL's Turkey Point Units 6 & 7 project is feasible going forward, any new costs incurred on the project should not be allowed, and indeed are not legally eligible to be recovered through the Nuclear Cost Recovery Clause.

Specifically, the Nuclear or Integrated Gasification Combined Cycle Power Plant Cost Recovery Rule, 25-6.0423, requires FPL to file a feasibility study when seeking to recover rates from customers. The rule provision in question states in pertinent part:

Along with the filings required by this paragraph, each year a utility shall submit for Commission review and approval a detailed analysis of the long-term feasibility of completing the power plant. Such analysis shall include evidence that the utility intends to construct the nuclear or integrated gasification combined cycle power plant by showing that it has committed sufficient, meaningful, and available resources to enable the project to be completed and that its intent is realistic and practical.

See, 25-6.0423, F.A.C.

Preparing and filing a feasibility study is not an optional requirement. It is "required" by the express terms of Rule 25-6.0423, F.A.C to be filed "each year". The Commission's policy is sound, so that it may make a real time determination whether a project should move forward and, importantly, whether customers rates should be increased. If material facts have changed such that the project is no longer feasible, the Commission should know and act on that information sooner rather than later. Absolving the utility from filing current, updated information as legally

required deprives the Commission and the parties of the opportunity to understand how matters may have changed. The Commission's rule should be enforced and FPL not permitted to recover monies for a nuclear project for which no feasibility study has been filed.

#### **4. STATEMENT OF FACTUAL ISSUES AND POSITIONS**

**Issue 1:** What jurisdictional amounts should the Commission approve as DEF's actual 2017 prudently incurred costs for the Crystal River Unit 3 Uprate Project?

FIPUG: Adopt position of OPC.

**Issue 2:** What jurisdictional amounts should the Commission approve as reasonably estimated 2018 exit and wind down costs and carrying costs for the Crystal River Unit 3 Uprate Project?

FIPUG: Adopt position of OPC.

**Issue 3:** What jurisdictional amounts should the Commission approve as reasonably projected 2019 exit and wind down costs and carrying costs for the Crystal River Unit 3 Uprate Project?

FIPUG: Adopt position of OPC.

**Issue 4:** What is the total jurisdictional amount for the Crystal River Unit 3 Uprate Project to be included in establishing DEF's 2019 Capacity Cost Recovery Clause Factor?

FIPUG: Adopt position of OPC.

**Issue 5:** Is there a need, pursuant to Paragraph 9 of the 2017 Second Revised and Restated Stipulation and Settlement Agreement, approved in Order No. PSC-2017-0451-AS-EU, for DEF to participate in the 2019 NCRC Docket?

FIPUG: Adopt position of OPC.

**Issue 6:** What is the current total estimated all-inclusive cost (including AFUDC and sunk costs) of the proposed Turkey Point Units 6 & 7 nuclear project?

FIPUG: More than FPL previously stated.

**Issue 7:** What is the current estimated planned commercial operation date of the planned Turkey Point Units 6 & 7 nuclear facility?

FIPUG: Longer than FPL previously stated.

**5. STIPULATED ISSUES:**

None at this time.

**6. PENDING MOTIONS:**

None.

**7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY:**

None.

**8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:**

FIPUG objects to any expert witness not designated as an expert and expressly offered as an expert witness, with areas of expertise identified.

**9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:**

There are no requirements of the Order Establishing Procedure with which FIPUG cannot comply.

Dated this 12th day of July, 2018.

Respectfully submitted,

*Jon C. Moyle* \_\_\_\_\_

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**CERTIFICATE OF SERVICE**  
**Docket No. 180009-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by electronic mail on this 12th day of July, 2018, to the following:

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