## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION



In Re: Petition of Florida Power & Light Company for inclusion of the Scherer Unit No. 4 purchase in rate base, including an acquisition adjustment

PP

AF

AG\_

ICH \_ EC 1 VAS \_\_\_\_

JTH \_

DOCKET NO. 900796-EI FILED: January 16, 1991

## PUBLIC COUNSEL'S MOTION TO STRIKE

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to Rule 25-22.037(2), Florida Administrative Code, move the Public Service Commission to strike Appendix II to the Brief and Post-Hearing Statement of Issues and Positions of Florida Power & Light Company, as well as references to that appendix, for the following reasons:

As one of the "general points" in its brief, Part II. E., 1. at page 27, FPL asserts that energy delivered to its load center from its ownership share of Scherer Unit No. 4 will be less expensive than energy from other supply-side alternatives. TO CK . FA \_ substantiate its argument, FPL states that it "believes a comparison would be most useful on a cost per kWh basis" and provides a compilation of costs from Appendix II. The cents-per-MU\_ TR \_ " kWh figures, however, were not introduced into the record during EG  $\mu m$  the hearing process. Other parties have not had a chance to IN contest the accuracy or relevance of the data presented for the PC \_\_\_\_\_ first time in the post-hearing brief.

1

DOCUMENT NUMBER-DATE 00542 JAN 16 1991 PSC-RECORDS/REPORTING 2. No one has had the opportunity to dispute the fuel costs, transmission costs, or capacity factors used to derive the centsper-kWh for the UPS alternative (to choose one example), even though the record contains substantial disagreement on the manner in which FPL quantified those figures. No one has had the chance to argue whether the years 1990, 1991, 1992 and 1993 should be ignored for the purchase option (FPL provides cents-per-kWh figures beginning in 1994 even though costs were first incurred in 1990) or whether UPS should be delayed until 1996.

3. Most significantly, no one has had the opportunity to argue whether FPL's "simple arithmetic" is relevant. Are "costs" that ignore the effects of the various options on FPL's system dispatch and total system fuel cost indicative of the <u>delivered</u> costs the utility would incur or costs that would ultimately affect billings to FPL's customers? As stated by FPL's witness, Mr. Waters:

['T]he bottom line is [that] the ultimate comparison between any two options should reflect effects on system fuel cost and should reflect how we actually expect [each option] to run.

[Tr. 558]

WHEREFORE, the Citizens of the State of Florida, through the Office of Public Counsel, move the Florida Public Service Commission to strike the bottom half of page 27, pages 28 and 29, and Appendix II of the Brief and Post-Hearing Statement of Issues and Positions of Florida Power & Light Company.

Respectfully submitted,

JACK SHREVE Public Counsel

John Roger Howe Assistant Public Counsel

Office of Public Counsel c/o The Florida Legislature 111 West Madison Street Room 812 Tallahassee, Florida 32399-1400

(904) 488-9330

Attorneys for the Citizens of the State of Florida

## CERTIFICATE OF SERVICE DOCKET NO. 900796-EI

I HEREBY CERTIFY that a true and correct copy of the PUBLIC COUNSEL'S MOTION TO STRIKE, has been furnished by U.S. Mail or by \*hand-delivery to the following on this <u>16th</u> day of January, 1991.

MATTHEW M. CHILDS, ESQUIRE Steel Hector & Davis, P.A. 215 South Monroe Street Suite 601 Tallahassee, FL 32301

FREDERICK M. BRYANT, ESQUIRE Moore, Williams, Bryant, Peebles & Gautier, P.A. Post Office Box 1169 Tallahassee, FL 32302

JOHN T. BUTLER, ESQUIRE Steel Hector & Davis, P.A. 4000 S.E. Financial Center Miami, Florida 33131-2398 \*M. ROBERT CHRIST, ESQUIRE EDWARD A. TELLECHEA, ESQUIRE Florida Public Service Commission Division of Legal Services 101 East Gaines Street Tallahassee, FL 32399-0872

FREDERICK J. MURRELL, ESQUIRE Schroder & Murrell The Barnett Center, Suite 375 101 Third Avenue West Bradenton, FL 34205

JOSEPH A. MCGLOTHLIN, ESQUIRE Lawson, McWhirter, Grandoff & Reeves 522 E. Park Avenue, Suite 200 Tallahassee, FL 32301

loger Howe