

ORIGINAL

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January 3, 2007

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VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0800

Re: Docket No. 060635-EU

Dear Ms. Bayo:

Attached please find the original and fifteen copies of the NRDC'S Reply to Applicants' Response in Opposition to NRDC'S Motion to Compel Responses to NRDC'S 1st Set (Nos. 24 and 25) and 2nd Set (Nos. 5 and 6) of Interrogatories, and Notice of Service of NRDC's Response to Applicants' First Set of Interrogatories to (Nos. 1-12) to be filed in the above styled docket.

Should you have questions or need any additional information, please contact me.

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Very truly yours,



Suzanne Brownless
Attorney for NRDC

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DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Determination of Need for
electrical power plant in Taylor County by
Florida Municipal Power Agency, JEA,
Reedy Creek Improvement District, and the
City of Tallahassee.

DOCKET NO. 060635-EU

FILED: January 3, 2007

NRDC'S REPLY TO APPLICANTS' RESPONSE IN OPPOSITION TO NRDC'S MOTION TO COMPEL RESPONSES TO NRDC'S 1ST SET (NOS. 24 AND 25) AND 2D SET (NOS. 5 AND 6) OF INTERROGATORIES

The Natural Resources Defense Council (NRDC) files this Reply to the Applicants' Motion for Protective Order and Response in Opposition to NRDC's Motion to Compel Responses to NRDC's 1st Set of Interrogatories (Nos. 24 and 25) and 2nd Set of Interrogatories (Nos. 5 and 6), and states as follows:

1. Upon a review of the Applicants' Response to NRDC's motion to compel, NRDC will withdraw its request to compel answers to its Second Set of Interrogatories Nos. 5 and 6.
2. With regard to its First Set of Interrogatories Nos. 24 and 25, NRDC reiterates its request to compel discovery of those documents.
3. NRDC will not repeat here its arguments set forth in detail in its Motion to Compel. However, it would briefly respond to the Applicants' arguments in order to clarify NRDC's position.
4. First, NRDC did not state that "it has no access to fuel forecast and production cost modeling software and no means of preparing these analyses." [Applicants' Response at 6] NRDC stated that, like the Staff, it had no access to the proprietary software POWROPT, POWRPRO and PRISM used by the Applicants in this case.
5. Second, the Applicants complain that they are being unduly burdened by being asked to prepare these studies so late in the process. NRDC would note that Staff Interrogatories Nos. 101 and 102 were propounded on December 13, 2006 and NRDC propounded its First Set of Interrogatories Nos. 24 and 25 on December 11, 2006, **two days earlier**. The Procedural Order allows discovery up to January 3, 2007. [Order PSC-06-0819-PCO-EU at 3] Both the Staff's and NRDC's responses were due on or before January 3, 2007 in compliance with the Procedural Order. It should also be noted that since one assumes that the Applicants knew they were going to object to NRDC's discovery requests soon after the service of those interrogatories, Applicants could have filed their objection before the 14 day deadline given in the Procedural Order for objections allowing more time for motions to compel to be ruled upon by the Commission. [Order PSC-06-0819-PCO-EU at 4] The Applicants should not be allowed to use as an excuse the very tight time situation they created.
6. Third, the Applicants state that the CO2 studies requested require analysis and modeling that would require "significant commitment of time and resources including developing new runs of the PRISM model with different inputs." Interrogatory 24 does not require any new assumptions, it specifically requests that the PRISM model be run "using the same parameters for electricity growth,

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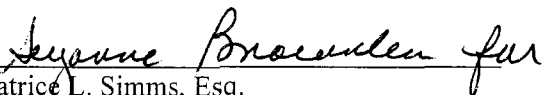
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same amount of nuclear capacity and same amount of energy produced by renewables or other non-emitting sources as that used in Ex. (MP-2).” Using these same assumptions, the CO2 emission allowance cost forecast is an output of the model. This would be virtually identical to Staff’s Interrogatory No. 102. Likewise, Interrogatory 25 asks that the Applicants use all of the assumptions of Ex. (MP-4), the low fuel sensitivity study. No new assumptions are required. The CO2 emissions cost forecast is an output of the PRISM model in this instance as well.

7. In sum, the Applicants have provided the same type of analysis for the Staff that is being requested here- analyses that are being requested in order for the Staff to present information it deems relevant to the Commission and that present its view of the case. In this regard, there is no difference between NRDC and the Staff and the Applicants should be required to produce the sensitivity studies requested in NRDC’s First Set of Interrogatories Nos. 24 and 25.

Respectfully submitted this 3rd day of January, 2007 by:


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by electronic mail as listed and U.S. Mail, this 3rd day of January, 2007 to the following:

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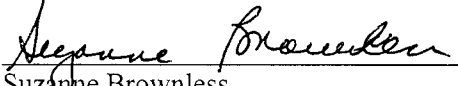
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