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Electronic Filing

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b. Docket No. 070650-EI

In re: Florida Power & Light Company's Petition to Determine Need for Turkey Point Nuclear Units 6 and 7 Electrical Power Plant docket 070650.

c. The document is being filed on behalf of Jan and Bob Krasowski.

d. There are a total of 13 pages, including an attached certificate of service.

e. The document attached for electronic filing is Bob and Jan Krasowski's Post Hearing Brief

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BEFORE THE PUBLIC SERVICE COMMISSION

Re: Florida Power and Light Company's
Petition to Determine Need for FPL Turkey Point
Nuclear Units 6 and 7 Electrical Power Plant

DOCKET NO. 070650-EL

Dated: February 14, 2008

**POST-HEARING BRIEF OF INTERVENORS BOB AND JAN KRASOWSKI'S
REGARDING DOCKET NO. 070650**

**Introduction
Prologue:**

As mentioned in our opening statement before the Florida Public Service Commission on January 30, 2008 [statement included as attachment A] we Jan and Bob Krasowski, The Krasowski's, specifically wanted to take advantage of the opportunities available to us as affected parties, rate payers of FP&L, to question the witness proponents of the proposed Florida Power and Light Turkey Point Nuclear Power Plants Project which was the subject of this hearing under Docket: 070650.

Both Jan and I have pursued an interest and education in energy and environmental issues over the course of our lives and many of the statements and claims registered in the pre-filed testimony of the various witnesses contradicted understandings we have developed together and independently during our research into energy issues, nuclear power and other energy options.

We are not lawyers, this is not an excuse for anything, but may serve to explain some of our obvious shortcomings that reveal themselves throughout the hearing process, and as lay participants somewhat familiar with the process and procedures, relied to a degree on

the good graces of PSC Chairman Mathew M. Carter II, the other Commissioners, their staff and even the FPL representatives as we worked through the proceedings. Thank You very much, though it is difficult as two people to match the timely efforts of the many FP&L Lawyers and the Lawyers of the PSC Staff.

Our interest in this proposal or any other proposal that is made to address perceived energy needs of our neighbors and other Floridians or People in general, is to assure that a complete, comprehensive and holistic understanding of what is being proposed is developed and considered. All considerations involving economic, environmental, social and political aspects of such proposals need to be addressed.

This proposal was originally presented as a panacea to accommodate the future energy needs of Florida.

Another way to express this is to explain that our evaluation of this proposal is not restricted solely to the criteria of assessment that is specifically addressed within the purview of the Florida Public Services Commission. The PSC assessment is primarily involved with the economic evaluation of such proposals.

Many other relevant issues will be vetted in other venues. Questions relating to safety and health issues for example are not permitted within the purview of the PSC venue.

For the purpose of this writing we will focus on some of the concerns we continue to have specifically relevant to the Florida Public Services Commission needs determination criterion following the conclusion of the three day hearing held from January 30 to February 1, 2008.

Below we identify our key concerns, we intend to provide witness page and line numbers that coincide with the transcript of the technical hearing so once the reader finishes reading our key concerns, they can find the basis of our concerns in the transcript of the hearing. **This material will be provided as an amendment to this document on Tuesday, February 19th at the start of business after the President's Day holiday.**

Below that we list the formal issues addressed through the Florida Public Service Commission statutory responsibility and provide our updated post hearing positions.

Key concerns:

The consistent representation by FPL legal staff and witnesses in their pre-filed testimony and during the technical hearing of the uncertainties involved in this project prove it to be a poor choice at this time.

The request by FPL for a change in the regulatory process and concerns expressed by Commissioners over such a request cause great alarm regarding the continued ability of the Florida Public Service Commission to maintain needed flexibility and autonomy while serving the interests of the residents of Florida.

The consistent statements claiming that this project has no emissions.

The overall lack of detailed analysis and understanding of what is available through efficiencies with and outside the FPL system.

The full costs of waste management and storage within the context of this project have not been completely addressed.

A slowing of economic growth renders this project a risky activity.

That the issue of the placement of the 16 million dollar queue reservation fee either with Japan Steel Works or one of the other Japanese owned companies identified as the vendors does not represent the best use of FPL rate payers money to stimulate our portion of the American economy.

Development of positions as related to issues after consideration of discussions at technical hearing

Basic position

KRASOWSKI: A large variety of efficient resource management as well as power management and generating options are available to the utilities that service the residential, institutional and business energy demands of Florida. In assessing the options for meeting these energy demands we have come to the conclusion that the nuclear project proposed by FP&L for Turkey Point does not represent the best choice available to service FP&L customers. We contend that when compared to other options and strategies the Turkey Point 6&7 proposal poses an extended period of economic risk that is unreasonable and diminishes the economic wellbeing of FPL's Florida customers now and in the future. Therefore, we request that the petition for determination of need for Turkey Point 6&7 be denied.

FP&L's representatives allege that the Turkey Point 6&7 proposed project meets the needs criteria established by the State of Florida in F.S. 403.519(4) in that the project contributes to FPL's power system's reliability and integrity, it's fuel diversity, base load generation capacity, and its effort to deliver adequate electricity at a reasonable cost. That it

continues to be a viable option after any renewable energy sources and technologies or conservation measures that may be taken or are reasonably available to FPL that might mitigate the need for the proposed generating units has been considered, while also providing the most cost effective source of power.

It is our belief, based on our research, that the projected cost of this proposal as alleged by FP&L does not represent an accurate assessment of the actual costs of the project. That the cost of managing the waste associated with this nuclear project has not been accurately identified. Future costs attributed to CO₂ and other green house gas (GHG) emissions attributed to the mining, milling, and refining of nuclear fuel have not been adequately accounted for. Potential cost charged for radioactive emissions from mining and operations are not mentioned. The availability and cost of water need to be considered.

It is our contention that every dollar of FP&L rate payer money (12 to 24 Billion Dollars) proposed to be spent on the proposed Turkey Point 6&7 nuclear power project could be better spent on efficiency, conservation and renewables; financing programs that may include embellishing existing or creating new DSM programs, leveraging through cost sharing the expansion of net metering / distributive energy programs. The integration of solar thermal and geo thermal applications can mitigate peak

load. The more efficient use of the existing base load can eliminate the need for new base load capacity. We also see a slowing of growth in Florida that calls into question the proponent's projection for need. New building design criteria will also reduce the need for new generation.

ISSUE 1: **Is there a need for the proposed generating units, taking into account the need for electric system reliability and integrity, as this criterion is used in Section 403.519(4), Florida Statutes?**

KRASOWSKI: No, the current and future power needs of FP&L customers can be met with greater reliability and integrity with the use of more efficient hardware to replace inefficient hardware now in use by FP&L. Maximized use of efficient lighting, building design, and appliances along with sophisticated applications of distributed energy programs can assure greater system reliability and integrity for the people of Florida. Please see, **POSITION ON ISSUE 1 EXTENDED DISCUSSION** below.

ISSUE 2: **Is there a need for the proposed generating units, taking into account the need for fuel diversity, as this criterion is used in Section 403.519(4), Florida Statutes?**

KRASOWSKI: No, distributive generation of thermal and photo voltaic solar with solar and gas capture for agriculture are preferred methods of establishing fuel diversity over nuclear.

ISSUE 3: **Is there a need for the proposed generating units, taking into account the need for base-load generating capacity, as this criterion is used in Section 403.519(4), Florida Statutes?**

KRASOWSKI: No, there already exists sufficient base-load. Future base-load and current base-load can incrementally be provided and replaced by efficiency and cleaner new renewable applications. Population decline and greater efficiencies allow current existing base-load capacity to satisfy the need.

ISSUE 4: **Is there a need for the proposed generating units, taking into account the need for adequate electricity at a reasonable cost, as this criterion is used in Section 403.519(4), Florida Statutes?**

KRASOWSKI: No, reasonable cost has not been established here in relation to efficiencies and distributive energy programs. The cost of the waste storage, water costs remain a question. We already have adequate electricity. The economic costs of insuring the risks associated with an unforeseen event may be limited to FPL but extend to the overall population in the amount of billions and billions of dollars and need to be considered in the cost/risk assessment and in relationship to the other options.

ISSUE 5: **Are there any renewable energy sources and technologies or conservation measures taken by or reasonably available to Florida Power & Light Company which might mitigate the need for the proposed generating units?**

KRASOWSKI: Yes, (An assessment of the meaning of the word reasonable is seriously necessary in regard to this issue). Enormous opportunities for efficiency and conservation, distributive energy and clean technologies exist. As explained by Mr. Brandt, only a fraction of efficiencies available through DSM are realized and are available by raising Florida's minimal standards.

ISSUE 6: Will the proposed generating units provide the most cost-effective source of power, as this criterion is used in Section 403.519(4), Florida Statutes?

KRASOWSKI: No, this project's costs must be compared with an equal amount of analysis to a renewable/ efficiency option. The proposed nuclear project time line extends over a period that would allow the monies dedicated to the project to incrementally provide for FPL customer energy needs with the use of efficiency programs, elevated standards of power usage and investments in clean energy technologies, without the costly, problematic issues of long term toxic waste management, among other things.

ISSUE 7: Does Florida Power & Light Company's nuclear power plant petition contain a summary of any discussions with other electric utilities regarding ownership of a portion of the plant by such electric utilities, consistent with the requirements of 403.519(4)(a)5., F.S., and Rule 25-22.081, F.A.C.?

KRASOWSKI: No, and the fact that FPL's petition does not contain a summary of any discussions they had with other electric utilities regarding ownership of the portion of the plant should be rectified by FPL amending their original petition to include the required information or, if there have been no preliminary discussions as claimed, and no summary is possible, FPL should be required to withdraw their present petition and submit an accurate correct one starting from square one. Please see, **POSITION ON ISSUE 7 EXTENDED DISCUSSION** below

ISSUE 8: Based on the resolution of the foregoing issues, should the Commission grant Florida Power & Light Company's petition to determine the need for the proposed generating units?

KRASOWSKI: No, instead we expect the Public Service Commission will continue to pursue innovative energy efficiency and conservation strategies, develop programs to increase the use of clean renewable generating options, and develop an aggressive net metering/distributive energy program, etcetera, with a broad consideration for a full range of funding mechanisms.

ISSUE 9: **If the Commission grants Florida Power & Light Company’s petition to determine the need for the proposed generating units, should FPL commit, prior to the completion of the Rule 25-6.0423 cost recovery proceeding in 2008 (the “2008 NPPCR Proceeding”), to make advance forging reservation payments of approximately \$16 million to Japan Steel Works in order to preserve the potential for 2018-2020 in-service dates for the proposed generating units?**

KRASOWSKI: It is our understanding that FP&L does not require a determination in this Docket (070650) to act on making a payment to reserve a cue in the line to secure the forging work they desire. We believe this issue should be addressed as provided for under The Nuclear Power Plant Cost Recovery Rule 25-6.0423 in general and Rule 25-6.0423 (5) specifically. We say this issue is not appropriately placed in this Docket. Please see, **POSITION ON ISSUE 9 EXTENDED DISCUSSION** below.

ISSUE 10: **Should this docket be closed?**

KRASOWSKI: Yes, this docket should be closed and FPL’s petition denied due to the lack of adequate analysis of all reasonable options and the extreme risk and inability to project accurate costs which in turn stifles the development and investment in efficiency and new clean technologies.

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POSITION ON ISSUE 1 EXTENDED DISCUSSION: Furthermore, the graduated use of renewable technologies and generous net metering / distributive energy programs along with investments in ocean current technologies offer much great potential over the next few years for realizing reliability and integrity of the energy supply.

POSITION ON ISSUE 7 EXTENDED DISCUSSION: Furthermore, others and rate payers from other Florida utilities may have wanted to participate in this docket but were not given adequate information about discussions with other utilities due to lack of summary about the what, who, when and where (a generally accepted academic definition of a summary) of such discussions with other utilities.

POSITION ON ISSUE 9 EXTENDED DISCUSSION: The issue of the placement of the 16 million dollar queue reservation fee either with Japan Steel Works or one of the other Japanese owned companies identified as the vendors does not represent the best use of FPL rate payers money to stimulate our portion of the American economy.

Conclusion: The Florida Public Service Commission still has a lot of work to do, independently and especially in collaboration with the Florida public they serve. With ongoing partnerships with the Florida Energy Commission and the Governor Action team and the Century Commission for a Sustainable Florida, a full comprehensive profile, comparative analysis, as described in the Open Letter to governor Crist provided to the Florida PSC as well needs to be developed. The full resources of the FPSC and the FDEP should be brought to bear on answering all questions before what has been proposed by FP&L is considered. The proponents are asking for nothing short of a surrender of the PSC regulatory oversight and a partnership of industry and government that reduces the public's avenues to petition the government.

Attachment A,

Opening Statement for Jan and Bob Krasowski before the Florida Public Service Commission docket 070650.

Good morning once again. Bob Krasowski speaking for Bob and Jan Krasowski, Jan and Bob Krasowski. We are 27-year residents of Florida. Through the course of our entire lives we have pursued our personal education in environmental and energy-related issues. So being that we fully recognize the seriousness of the matter before you, we would, we would like to say that essentially the reason -- and I apologize for this because my things aren't well-organized. But primarily the reason we're here today is that we are ratepayers with, and customers of FP&L. We have in reading the testimony provided by FP&L come to see that they provide information that contradicts what we have learned through the course of our life in relation to energy

opportunities or technologies. And so pretty much the reason we're here is to take advantage of the opportunity to engage their witnesses in cross-examination so that we can draw them out to explain some of the positions they represent so we could have a better understanding of, of what is accurate so as this, as you have the difficult task to make a determination in this case, a full representation, a greater representation of ideas is before you.

In particular, we've noticed comments about CO2 emissions, emissions in general that are associated with, with this project, the cost of the project in relation to alternative options, all of the issues that are identified in the Florida Statute 403.519, these criteria established by the Legislature that have to be considered before determination of need is allowed or permitted. So I'll just leave it with that. It's - we have an interest in a broad view of, of this issue, this project, and as it moves through the different venues, we plan to monitor it. But we firmly believe that this, some of these issues and positions presented should not pass by the Public Service Commission without an effort to expand the discussion on those issues, and that's what we hope to do here over the next day or two or three. Thank you.

Respectfully submitted and signed this 15th day of February, 2008

s/ Jan Krasowski
s/ Bob Krasowski
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Citizens' Post-Hearing Statement has been furnished by electronic mail and U.S. Mail to the following parties on this 15th day of February, 2008, to the following persons:

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