

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of renewable energy tariff and standard offer contract, by Florida Power & Light Company.

DOCKET NO. 080193-EQ
FILED: JANUARY 5, 2009

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-08-0709-PCO-EQ, filed October 27, 2008, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

There are no known witnesses at this time.

b. All Known Exhibits

There are no known exhibits at this time.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: Does FPL's standard offer contract encourage the development of renewable energy pursuant to Sections 366.91 and 366.92, F.S.?

POSITION: Staff takes no position at this time.

ISSUE 2: Does FPL's standard offer contract protect the economic viability of existing renewable facilities pursuant to Section 366.92, F.S.?

COM **POSITION:** Staff takes no position at this time.

ECR

GCL **ISSUE 3:** Is the requirement in FPL's standard offer contract that renewable generators must achieve availability of 97% to receive full capacity payments reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C.?

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POSITION: Staff takes no position at this time.

ISSUE 4: Is the requirement that the Equivalent Availability Factor ("EAF") be based on the expected EAF of FPL's next planned generating unit reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C. ?

POSITION: Staff takes no position at this time.

ISSUE 5: Is the requirement in FPL's standard offer contract that renewable generators have an Annual Capacity Billing Factor of at least 80% to receive capacity payments reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C. ?

POSITION: Staff takes no position at this time.

ISSUE 6: Are provisions 8.4.6 and 8.4.8 of FPL's standard offer contract, that permit FPL to reduce output or not accept energy from renewable generators reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C. ?

POSITION: Staff takes no position at this time.

ISSUE 7: Is the requirement in FPL's standard offer contract that committed capacity testing procedures be based on a test period of 24 hours reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C.?

POSITION: Staff takes no position at this time.

ISSUE 8: Are the maintenance requirements in FPL's standard offer contract reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C. ?

POSITION: Staff takes no position at this time.

ISSUE 9: Are the trip test requirements in FPL's standard offer contract reasonable and consistent with Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C. ?

POSITION: Staff takes no position at this time.

ISSUE 10: Is the requirement in FPL's standard offer contract giving it a right of first refusal as to tradable renewable energy credits (TREC's) reasonable and consistent with

Sections 366.91 and 366.92, F.S., Rule 25-17.0832, F.A.C. and Rules 25-17.200 through 25-17.310, F.A.C.?

ISSUE 11: Should the standard offer contract filed by Florida Power & Light Company be approved?

POSITION: Staff takes no position at this time.

ISSUE 12: Should this docket be closed?

POSITION: Staff takes no position at this time.

e. Stipulated Issues

There are no stipulated issues at this time.

f. Pending Motions

There are no pending motions at this time.

g. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests at this time.

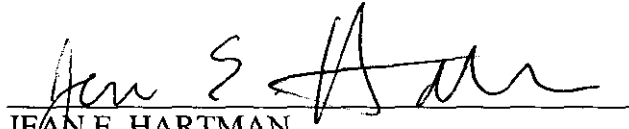
h. Objections to Witness Qualifications as an Expert

Staff has no objections to witness qualifications as an expert at this time.

i. Compliance with Order No. PSC-08-0709-PCO-EQ

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 5th day of January, 2009.


JEAN E. HARTMAN
SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863
Telephone: (850) 413-6193