

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for Citrus County combined cycle power plant, by Duke Energy Florida, Inc.

DOCKET NO. 140110-EI

In re: Petition for determination of cost effective generation alternative to meet need prior to 2018, by Duke Energy Florida, Inc.

DOCKET NO. 140111-EI
ORDER NO. PSC-14-0306-PCO-EI
ISSUED: June 12, 2014

ORDER GRANTING INTERVENTION

BY THE COMMISSION:

By petition, dated May 30, 2014, Calpine Construction Finance Company, L.P. (Calpine) has requested permission to intervene in this proceeding. Calpine is the owner of the Osprey Energy Center, a natural gas fired combined cycle electrical power plant located in Auburndale, Florida, and Calpine was a qualified bidder in the 2013 "Request for Proposals for Long-term Power Supply Resources With an In-service Year of 2018" ("RFP") process through which Duke Energy Florida, Inc. ("DEF") sought up to 1,640 MW of capacity based on DEF's "next planned generating unit" that was identified as a combined cycle ("CC") generating unit to be located near DEF's existing Crystal River site in Citrus County, Florida. As a qualified bidder in the RFP, Calpine states its motion is consistent with Commission Rule 25-22.082, F.A.C., and it is entitled to intervene in these proceedings because the Commission's final decision therein will determine Calpine's substantial interests in pursuing its business of supplying cost-effective power to DEF for the benefit of DEF and its customers. DEF acknowledges that Calpine was one of several companies that responded to DEF's request for proposals for generation alternatives to meet DEF's need for power prior to 2018. According to DEF, this action alone normally does not establish a substantial interest that would be affected under a proceeding for the determination of a cost effective generation alternative to meet need. Nevertheless, because of the unique circumstances of the Commission review process for DEF's Petition established by paragraph 16(a) of the 2013 Settlement Agreement in Docket No. 130208-EI,¹ DEF takes no position on Calpine's petition to intervene in this matter. By taking no position on Calpine's petition to intervene, however, DEF does not agree with or concede any of the allegations in Calpine's petition to intervene.

Having reviewed the Petition, it appears that Calpine's substantial interests may be affected by this proceeding. There has been no response filed in opposition to this request. Therefore, the Petition shall be granted. Pursuant to Rule 25-22.039, F.A.C., Calpine takes the case as it finds it.

¹ Docket No. 130208-EI; In re: Petition for limited proceeding to approve revised and restated stipulation and settlement agreement by DEF Energy Florida.

Therefore, it is

ORDERED by Commissioner Ronald A. Brisé, as Prehearing Officer, that the Petition to Intervene filed by Calpine Construction Finance Company, L.P. is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Robert Scheffel Wright
John T. LaVia, III
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By ORDER of Commissioner Ronald A. Brisé, as Prehearing Officer, this 12th day of June _____, 2014.



RONALD A. BRISÉ
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MTL

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and

time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.