

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for determination of need for) DOCKET NO. 150196-EI
Okeechobee Clean Energy Center Unit 1)
By Florida Power & Light Company)
_____)

**ENVIRONMENTAL CONFEDERATION OF SOUTHWEST FLORIDA'S
COMMENTS REGARDING PROPOSED ISSUES**

The Environmental Confederation of Southwest Florida, Inc. ("ECOSWF"), by and through its undersigned counsel, and pursuant to Order No. PSC-15-0394-PCO-EI, Order Establishing Procedure, hereby submits its comments on the Southern Alliance for Clean Energy's ("SACE") and ECOSWF's proposed additional issues.

ECOSWF PROPOSED ISSUES

ISSUE 1: What reserve margin criterion should be used to determine FPL's need?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, system reliability is clearly relevant in a need determination proceeding. Reserve margin, in part, helps assess system reliability. Determining what reserve margin should apply in assessing FPL's system reliability is key to determining whether the Florida Public Service Commission should grant FPL's petition for determination of need. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

ISSUE 2: Should the Commission apply reserve margin criterion to FPL that are not applied to other utilities?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, system reliability is clearly relevant in a need determination proceeding. Reserve margin, in part, helps assess system reliability. Determining what reserve margin should apply in assessing FPL's system reliability is key to determining whether the Florida Public Service Commission should grant FPL's petition for determination of need. Whether FPL's proposed generation-only reserve margin criterion is used by any other utilities is relevant to show whether the criterion is truly needed to assess system reliability. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

ISSUE 3: Is demand response significantly cheaper than new power plants?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, the cost-effectiveness of the proposed OCEC Unit 1 as compared to other alternatives is relevant in a need determination proceeding. Whether demand response is a more cost-effective alternative than the construction of OCEC Unit 1 is therefore relevant under the statute. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

ISSUE 4: Has the reduction in payments by FPL to customers for participation in demand response programs artificially reduced demand for demand response?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, the cost-effectiveness of the proposed OCEC Unit 1 as compared to other alternatives is relevant in a need determination proceeding. Whether demand response is a more cost-effective alternative than the construction of OCEC Unit 1 is therefore relevant under the statute. Whether FPL has deliberately undermined the potential of demand response to obviate the need for OCEC Unit 1 demonstrates that a cost-effective alternative to the construction of OCEC Unit 1 exists. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

ISSUE 5: Should FPL follow the 15% reserve margin recommended by the North American Electric Reliability Corporation?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, system reliability is clearly relevant in a need determination proceeding. Reserve margin, in part, helps assess system reliability. Determining what reserve margin should apply in assessing FPL's system reliability is key to determining whether the Florida Public Service Commission should grant FPL's petition for determination of need. Whether FPL should follow the reserve margin criterion recommended by the North American Electric Reliability Corporation is relevant to this issue. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

SACE PROPOSED ISSUES

ISSUE 1: Does the Stipulation entered into in Docket No. 981890-EU, and approved by the Commission in Order No. PSC-99-2507-S-EU, require the Commission to review FPL's Petition in this docket based on a 20% reserve margin?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, system reliability is clearly relevant in a need determination

proceeding. Reserve margin, in part, helps assess system reliability. Determining what reserve margin should apply in assessing FPL's system reliability is key to determining whether the Florida Public Service Commission should grant FPL's petition for determination of need. Whether the Florida Public Service Commission, as a matter of law, is required to use the 20% reserve margin to assess system reliability under section 403.519(3), Florida Statutes, will in large part determine whether the petition for determination of need for OCEC Unit 1 should be granted. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

ISSUE 2: If the Commission does not address the appropriateness of FPL's 20% reserve margin criterion in this docket, should the Commission establish a generic docket to address what the appropriate reserve margin criteria are for FPL and other IOUs?

COMMENTS: ECOSWF supports the inclusion of this issue. Given that FPL and other IOUs have continued to update their generation fleets and improve their system reliability, whether a 20% reserve margin criterion is still needed to maintain system reliability should be addressed by the Commission.

ISSUE 3: Is the generation-only reserve margin created and used by FPL an appropriate reliability criterion for determining the need for the proposed OCEC Unit 1?

COMMENTS: ECOSWF supports the inclusion of this issue. Pursuant to section 403.519(3), Florida Statutes, system reliability is clearly relevant in a need determination proceeding. Reserve margin, in part, helps assess system reliability. Determining what reserve margin should apply in assessing FPL's system reliability is key to determining whether the Florida Public Service Commission should grant FPL's petition for determination of need. Whether FPL's proposed generation-only reserve margin criterion is appropriate is clearly relevant to assessing the reliability of FPL's system. ECOSWF believes this issue should be stated as its own issue to ensure that testimony on-point will be included in the proceeding.

Respectfully submitted this 12th day of November, 2015.

/s/ Bradley Marshall
Bradley Marshall
Florida Bar No. 0098008
Earthjustice
111 S. Martin Luther King Jr. Blvd.
Tallahassee, Florida 32301
(850) 681-0031
(850) 681-0020 (facsimile)
bmarshall@earthjustice.org

*Counsel for Intervenor Environmental
Confederation of Southwest Florida*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on
this 12th day of November, 2015 via electronic mail on:

Kelly Corbari Leslie Ames Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399 kcohari@psc.state.fl.us lames@psc.state.fl.us	Kenneth Hoffman Florida Power & Light Co. 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com
William P. Cox Florida Power & Light Co. 700 Universe Blvd. Juno Beach, FL 33418 will.cox@fpl.com	Charles Rehwinkel Patricia Christensen Office of Public Counsel The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, FL 32399 Christensen.patty@leg.state.fl.us Rehwinkel.charles@leg.state.fl.us
Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com	James Whitlock Gary A. Davis Davis & Whitlock, PC 21 Battery Park Avenue, Suite 206 Ashville, NC 28801 jwhitlock@enviroattorney.com gadavis@enviroattorney.com
George Cavros Southern Alliance for Clean Energy 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 George@cavros-law.com	

/s/Bradley Marshall
Bradley Marshall, Attorney