



### 3. STATEMENT OF BASIC POSITION

#### DEF

The OPC takes no position and does not object to DEF's positions on the issues related to the recovery of the CR3 EPU project which costs are being recovered pursuant to the provisions of the Revises and Restated Stipulation and Settlement Agreement (RRSSA) approved in Order No. PSC-13-0598-FOF-EI. For the Levy Nuclear Project (LNP) there are no costs being recovered from customers in this hearing cycle as all known costs have been recovered pursuant to the RRSSA. The OPC has an agreement with DEF that the dollar figures presented in testimony are for information only and the Commission will not be taking any action on such costs. The OPC further understands that pursuant to the Stipulation entered into among the parties in 2015 and approved in Order No. PSC-15-0521-FOF-EI (2015 Stipulation) any net costs, if any, that DEF seeks to recover related to LNP will be addressed in the 2017 NCRC hearing process pursuant to law, including the RRSSA and the 2015 Stipulation.

#### FPL

FPL has not filed a long-term feasibility study in the 2016 NCRC proceeding. Based on the lack of 2016 long-term feasibility study which demonstrates that FPL's Turkey Point Units 6 & 7 project is feasible going forward, any new costs incurred on the project should not be allowed to be recovered through the NCR clause.

However, FPL has filed a Motion to Defer Consideration of Issues and Cost Recovery which is pending before the Commission for consideration at the July 7, 2016, Agenda Conference. If the Commission grants FPL's requested deferral, the Commission will not be determining the prudence or reasonableness of any of FPL's costs or actions that were subject to Commission

review in the 2016 NCRC proceeding until the 2017 NCRC proceeding. Should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

#### 4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

##### DEF

**Issue 1: Should the Commission find that during 2015, DEF’s project management, contracting, accounting and cost oversight controls were reasonable and prudent for the Levy Units 1 & 2 project?**

OPC: No Position.

**Issue 2: Should the Commission find that during 2015, DEF’s project management, contracting, accounting and cost oversight controls were reasonable and prudent for the Crystal River Unit 3 Uprate project?**

OPC: No Position.

**Issue 3: What jurisdictional amounts should the Commission approve as DEF’s actual 2015 prudently incurred costs for the Crystal River Unit 3 Uprate project?**

OPC: No Position.

**Issue 4: What jurisdictional amounts should the Commission approve as reasonably estimated 2016 exit and wind down costs and carrying costs for the Crystal River Unit 3 Uprate Project?**

OPC: No Position.

**Issue 5: What jurisdictional amounts should the Commission approve as reasonably projected 2017 exit and wind down costs and carrying costs for the Crystal River Unit 3 Uprate Project?**

OPC: No Position.

**Issue 6: What is the total jurisdictional amount to be included in establishing DEF's 2017 Capacity Cost Recovery Clause Factor?**

OPC: No Position.

**FPL**

**Issue 7: Should the Commission approve as reasonable what FPL has submitted as its 2016 annual detailed analysis of the long-term feasibility of completing the Turkey Point Units 6 & 7 project, as provided for in Rule 25-6.0423, F.A.C?**

OPC: No, FPL has yet to file a long-term feasibility analysis for 2016. However, should the Commission approve the Deferral of FPL issues until 2017, OPC takes "no position for the 2016 NCRC proceeding due to the deferral of the Commission's review on all FPL issues until the 2017 NCRC docket."

**Issue 7a:**      **What is the current total estimated all-inclusive cost (including AFUDC and sunk costs) of the proposed Turkey Point Units 6 & 7 nuclear project?**

OPC:              No position.

**Issue 7b:**      **What is the current estimated planned commercial operation date of the planned Turkey Point Units 6 & 7 nuclear facility?**

OPC:              Based on FPL’s testimony, the commercial in-service date will be delayed at least four years beyond last year’s in-service date. However, should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

**Issue 8:**              **Should the Commission find that FPL’s 2015 project management, contracting, accounting and cost oversight controls were reasonable and prudent for the Turkey Point Units 6 & 7 project?**

OPC:              Should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

**Issue 9:**              **What jurisdictional amounts should the Commission approve as FPL’s actual 2015 prudently incurred costs and final true-up amounts for the Turkey Point Units 6 & 7 project?**

OPC:              Should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

**Issue 10:**      **What jurisdictional amounts should the Commission approve as reasonably estimated 2016 costs and estimated true-up amounts for FPL’s Turkey Point Units 6 & 7 project?**

OPC:              Based on the lack of 2016 long-term feasibility study which demonstrates that FPL’s Turkey Point Units 6 &7 project is feasible going forward, any new costs incurred on the project should not be allowed to be recovered through the NCR clause. Should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

**Issue 11:**      **What jurisdictional amounts should the Commission approve as reasonably projected 2017 costs for FPL’s Turkey Point Units 6 & 7 project?**

OPC:              Based on the lack of 2016 long-term feasibility study which demonstrates that FPL’s Turkey Point Units 6 &7 project is feasible going forward, any new costs incurred on the project should not be allowed to be recovered through the NCR clause. Should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

**Issue 12:**      **What is the total jurisdictional amount to be included in establishing FPL’s 2017 Capacity Cost Recovery Clause factor?**

OPC:              Based on the lack of 2016 long-term feasibility study which demonstrates that FPL’s Turkey Point Units 6 &7 project is feasible going forward, any new costs incurred on the project should not be allowed to be recovered through the NCR clause. Should the Commission approve the Deferral of FPL issues until 2017, OPC takes “no position for the 2016 NCRC proceeding due to the deferral of the Commission’s review on all FPL issues until the 2017 NCRC docket.”

5. STIPULATED ISSUES:

None at this time.

6. PENDING MOTIONS:

None.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR  
CONFIDENTIALITY:

None.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:

None at this time.

9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Dated this 30<sup>th</sup> day of June, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**  
**Docket No. 160009-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished  
by electronic mail on this 30<sup>th</sup> day of June, 2016, to the following:

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