

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

DOCKET NO.: 20240001-EI

FILED: March 12, 2024

**PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL**

The Citizens of the State of Florida, by and through the Office of Public Counsel, pursuant to the Order Establishing Procedure, Order No. PSC-2023-0207-PCO-EI, issued July 24, 2023, and Order No. PSC-2024-0027-PCO-EI, issued February 6, 2024, hereby submit this Prehearing Statement.

**APPEARANCES:**

Walt Trierweiler  
Public Counsel

Charles Rehwinkel  
Deputy Public Counsel

Patricia A. Christensen  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
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On behalf of the Citizens of the State of Florida

**1. WITNESSES:**

<b>Witness</b>	<b>Subject Matter</b>	<b>Issue #</b>
<b>Direct</b>		
Richard A. Polich	Nuclear Outages	1 -3

**2. EXHIBITS:**

<b>Witness</b>	<b>Proffered by</b>	<b>Exhibit No.</b>	<b>Description</b>	<b>Issue #</b>
<b>Direct</b>				
Richard Polich	OPC	RAP-1	Richard Polich Resume	1-3

			(Nuclear)	
Richard Polich	OPC	RAP-2	Richard Polich Testimony List	1-3
Richard Polich	OPC	RAP-3	Testimony of R. Polich and Notice of Withdrawal of Portions of Testimony filed in Docket No. 20220001	1-3
Richard Polich	OPC	RAP-4	The Florida Public Service Commission Office of Auditing and Performance Analysis Report, Review of Nuclear Operations -FPL	1-3
Richard Polich	OPC	RAP-5	Nuclear Regulatory Commission Turkey Point Units 3 and 4 Special Inspection Report	1-3

**3. STATEMENT OF BASIC POSITION**

OPC and Florida Power & Light (FPL) have agreed to stipulations to resolve all outstanding issues. OPC represents that these stipulations are reasonable and prudent resolutions to the issues and are in the public interest.

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

**I. NUCLEAR POWER PLANTS**

**Florida Power & Light Company**

**ISSUE 1:** What adjustment should be made with respect to replacement power costs associated with any unplanned outages that occurred at Turkey Point or St. Lucie during the calendar years 2020, 2021 and 2022?

OPC: Stipulation: FPL shall credit customers \$5 million, inclusive of interest, through the fuel clause. The credit shall be included in the calculation of FPL’s fuel factors the next time the fuel factors are reset. The prudence of, and replacement power cost calculations associated with, all forced or unplanned outages or down power events at the Turkey Point and St. Lucie nuclear facilities which occurred during the calendar years 2020, 2021 and 2022 are hereby fully resolved and shall not be subject to further challenge or litigation in the future.

**ISSUE 2:** Should FPL be subject to a follow up nuclear operations and management audit covering the 2024 to 2029 time period?

OPC: Stipulation: Yes, a follow up audit may be conducted no earlier than 2030.

**ISSUE 3:** Should this docket be closed?

OPC: No.

5. **STIPULATED ISSUES**

See proposed Stipulations for Issues 1 and 2.

6. **PENDING MOTIONS**

OPC has no pending motions at the time.

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

There are no pending requests for claims for confidentiality filed by OPC.

8. **OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT**

OPC has no objections to the qualification of any witnesses as an expert in the field which they pre-filed testimony as of the present date.

9. **SEQUESTRATION OF WITNESSES**

OPC does not request the sequestration of any witness at this time.

10. **STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE**

There are no requirements of the Order Establishing Procedure with which OPC cannot comply.

Dated this 12<sup>th</sup> day of March, 2024

Respectfully Submitted,

Walt Trierweiler  
Public Counsel

**/s/Patricia A. Christensen**  
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**CERTIFICATE OF SERVICE**  
**DOCKET NO. 20240001-EI**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail on this 12<sup>th</sup> day of March 2024, to the following:

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