

**CITIZENS OF THE STATE OF  
FLORIDA, THROUGH THE  
FLORIDA OFFICE OF PUBLIC  
COUNSEL**

**IN THE FLORIDA PUBLIC SERVICE  
COMMISSION**

**DOCKET NO. 20180007-EI**

**Appellants,**

**v.**

**FLORIDA PUBLIC SERVICE  
COMMISSION,**

**NOTICE OF ADMINISTRATIVE  
APPEAL**

**Appellee.**

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**CITIZENS' DIRECTIONS TO CLERK OF THE FLORIDA PUBLIC  
SERVICE COMMISSION AND STATEMENT OF ACTS TO BE  
REVIEWED**

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Pursuant to Rules 9.200(a)(2) and 9.900(g), Florida Rules of Appellate Procedure, the Citizens of the State of Florida ("Citizens"), through the Office of Public Counsel ("OPC"), hereby direct the Clerk of the Florida Public Service Commission to include in the record described in Rule 9.200, Florida Rules of Appellate Procedure, the items identified herein.

Within these Directions, "OPC" or "Citizens" means the Office of Public Counsel; "FPL" refers to Florida Power & Light Company; FIPUG refers to the

Florida Industrial Power Users Group; and “SACE” refers to the Southern Alliance for Clean Energy, and the “PSC” or “Commission” means the Florida Public Service Commission.

1. As stated in Citizens’ Notice of Administrative Appeal, Citizens appeal Order No. PSC-2018-0014-FOF-EI dated January 8, 2018, which is the Final Order Approving Projected Expenditures and True-Up Amounts for Environmental Cost Recovery, (the 2018 “ECRC Order”). As discussed in the Statement of Acts to be Reviewed below, Citizens’ appeal involves only those issues related to FPL. Accordingly, unless otherwise specifically listed below, please exclude from the record on appeal all pleadings, orders, prefiled testimony, transcripts of hearings, exhibits, and all other documents in the docket file of Docket No. 20180007-EI<sup>1</sup> that solely relate to and are associated with the petitions filed by Duke Energy Florida, Tampa Electric Company, and Gulf Power Company. It is the intent of these Directions to exclude all documents that relate solely to utilities other than FPL, and to include documents that relate only to issues involving FPL.

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<sup>1</sup> The Environmental Cost Recovery Clause (“ECRC”) docket is a continuing docket, meaning it rolls over year to year. Each year, the ECRC docket number begins with the year number and ends with the number 0007. The matters which are the subject of the instant appeal have been litigated for several years. Therefore, the record in the instant appeal includes references to the dockets numbered 20160007, 20170007, and 20180007.

2. With respect to the pleadings, testimony, and exhibits relating to and associated with the petitions for approval submitted by Florida Power & Light Company in Docket No. 20180007-EI, Citizens direct the Clerk to include in the record on appeal only the following portions of the docket file in Docket No. 20180007-EI:

<b>Document Number</b>	<b>Date Posted</b>	<b>Item</b>
00007-2016	01/04/2016	PSC-2016-0007-PCO-EI
00024-2016	01/04/2016	Duke Energy Florida, LLC's Notice of Intent to retain party status.
00025-2016	01/04/2016	TECO's Notice of Intent to Retain Party Status.
00047-2016	01/05/2016	FPL's Notice of Intent to Retain Party Status.
00071-2016	01/05/2016	Gulf Power Company's Notice of Intent to Retain Party Status.

00072-2016	01/05/2016	OPC's Notice of reaffirming party status.
00087-2016	01/06/2016	FIPUG's Notice of Intent to Retain Party Status.
00355-2016	01/20/2016	White Springs Agricultural Chemicals Inc. d/b/a PCS Phosphate's Notice reaffirming party status.
01331-2016	03/11/2016	Order PSC-16-0103- PCO-EI establishing procedure.
01706-2016	04/01/2016	FPL - Petition for approval of environmental cost recovery true-up for period ending 12/15; testimony of Terry J. Keith and Exh TJK-1;

		and Exh RRL-1
		[supplemental
		CAIR/MATS/CAVR
		filings, to be sponsored
		by Randall R.
		LaBauve].
03090-2016	05/20/2016	OPC Notice of service
		[of 1st Set of
		Interrogatories (Nos. 1-
		21) and 1st Request to
		Produce Documents
		(Nos. 1-2) to FPL].
04162-2016	07/01/2016	FPL - Letter dated
		7/1/16, advising FPL
		has no new
		environmental projects
		to be submitted for cost
		recovery in this docket

04472-2016

07/12/2016

Order PSC-16-0265-  
PCO-PU revising  
hearing dates to  
November 1-4, 2016;  
procedural orders for  
Dockets 160001-EI,  
160002-EG, 160003-  
GU, 160004-GU, and  
160007-EI are hereby  
reaffirmed in all other  
respects.

05111-2016

07/15/2016

First Order PSC-16-  
0274-PCO-EI  
modifying order  
establishing procedure;  
Order PSC-16-0103-  
PCO-EI is reaffirmed in  
all other respects.

05338-2016

07/19/2016

Order PSC-16-0278-  
PCO-EI amending first

		order modifying order establishing procedure; Order PSC-16-0274- PCO-EI is reaffirmed in all other respects.
05591-2016	07/26/2016	OPC - Notice of Service of 2nd Set of Interrogatories (Nos. 22-32) and 2nd Request for PODs (Nos. 3-4) to FPL.
05898-2016	08/04/2016	FPL - Petition for approval of environmental cost recovery actual/estimated true-up for 1/16 through 12/16; testimonies of Terry J. Keith and Randall R. LaBauve; Exhs TJK-2

06664-2016

08/15/2016

and RRL-2 through  
RRL-8.

FPL - Letter dated  
8/15/16, regarding 2016  
ECRC actual/estimated  
true-up petition; consent  
order between FPL and  
DEP; addendum to  
10/15 consent  
agreement with Miami-  
Dade County  
Department of  
Environmental  
Resources Management;  
advising FPL intends to  
include an update to the  
2016 actual/estimated  
Turkey Point Cooling  
Canal Monitoring Plan  
in its 9/1/16 ECRC

		projection filing for 2017.
07245-2016	09/01/2016	FPL - Motion for extension of time [to file projection petition and testimony for 2017].
07290-2016	09/06/2016	FPL - Petition for approval of environmental cost recovery factors for 1/17 through 12/17; testimony of Terry J. Keith [and Exhs TJK-3 through TJK-5]; testimony of Randall R. LaBauve and Exh RRL- 9.
07621-2016	09/19/2016	Order PSC-16-0393- PCO-EI addressing

FPL's motion for  
extension of time and  
modifying procedural  
order PSC-16-0103-  
PCO-EI related to  
discovery responses;  
FPL's Motion for  
Extension of Time to  
file is moot; Order PSC-  
16-0103-PCO-EI, as it  
has previously been  
modified, is reaffirmed  
in all other respects.  
Order PSC-16-0394-  
PCO-PU second order  
revising hearing dates to  
November 2-4, 2016;  
procedural orders for  
Dockets 160001-EI,  
160002-EG, 160003-

07665-2016

09/20/2016

GU, 160004-GU, and  
160007-EI are hereby  
reaffirmed in all other  
respects.

07686-2016

09/20/2016

GCL/Lherisson - Memo  
dated 9/20/16 to all  
parties of record and  
interested persons  
advising of informal  
meeting to be held  
9/28/16 at 10:00 a.m.,  
Rm G-105, Gunter  
Bldg, 2540 Shumard  
Oak Blvd, Tallahassee.

07785-2016

09/26/2016

Notice of Commission  
hearing and prehearing -  
Hearing to be held  
11/2/16 at 9:30 a.m.,  
Room 148, Betty Easley  
Conference Center,

4075 Esplanade Way,  
Tallahassee, Florida;  
prehearing to be held  
10/11/16 at 11:00 a.m.,  
Room 148, Betty Easley  
Conference Center,  
4075 Esplanade Way,  
Tallahassee, Florida.

07794-2016

09/26/2016

FAR notice (to be  
published 9/27/16) of  
prehearing and hearing;  
prehearing to be held  
10/11/16 in Tallahassee;  
hearing to be held  
11/2/16 in Tallahassee,  
with 11/3-4/16 reserved  
for continuation of  
hearing, if needed; with  
attached  
acknowledgment of

		submittal by Administrative Code and Register.
07932-2016	10/03/2016	FPL (- Notice of adoption of Terry J. Keith's testimony and exhibits by Renae B. Deaton and attached declaration of Ms. Deaton.
07976-2016	10/04/2016	FIPUG - Prehearing statement.
07983-2016	10/04/2016	FPL - Prehearing statement.
08000-2016	10/04/2016	OPC - Prehearing statement.
08183-2016	10/12/2016	TRANSCRIPT - 10/11/16 prehearing conference

08403-2016	10/21/2016	Prehearing Order PSC-16-0474-PHO-EI.
08963-2016	11/22/2016	Final Order PSC-16-0535-FOF-EI approving projected expenditures and true-up amounts for environmental cost recovery.
09534-2016	12/22/2016	OPC - Notice of service of 3rd set of interrogatories (Nos. 33-65) and 3rd request for PODs (Nos. 5-67) to FPL.
00007-2017	01/03/2017	Order PSC-17-0007-PCO-EI establishing 2017 docket number. [CLK note: Docket 160007 will be closed

		on issuance of this order.]
00040-2017	01/03/2017	Duke Energy Florida, Inc.) - Notice of intent to retain party status. [CLK note: Duke Energy's name in the notice of intent does not include d/b/a shown in MCD.]
00049-2017	01/03/2017	FIPUG's Notice of Intent to Retain Party Status.
00065-2017	01/04/2017	TECO's Notice of Intent to Retain Party Status.
00085-2017	01/04/2017	FPL's Notice of intent to retain party status.
00148-2017	01/05/2017	GPC's Notice of Intent to Retain Party Status.

00153-2017	01/05/2017	OPC's Notice of Reaffirming Party Status.
00979-2017	01/27/2017	White Springs Agricultural Chemicals Inc. d/b/a PCS Phosphate - White Springs [White Springs] - Notice Reaffirming Party Status.
01867-2017	02/13/2017	SACE's- Petition to Intervene.
01980-2017	02/16/2017	Memo dated 2/16/17 to all parties of record and interested persons advising of informal meeting to be held 2/17/17 at 2:00 p.m., Rm 154, Gunter Bldg, 2540 Shumard Oak

		Blvd, Tallahassee; with attached preliminary issue list. [CLK Note: Memo does not include a signature.]
03781-2017	03/23/2017	Order PSC-17-0106- PCO-EI establishing procedure.
03842-2017	03/27/2017	Order PSC-17-0112- PCO-EI granting intervention to SACE.
03985-2017	04/03/2017	FPL - Petition for approval of environmental cost recovery true-up for the period ending 12/16; testimony of Renae B. Deaton and Exh RBD-1; testimony Keith Ferguson and Exh KF-

		1; and Exh MWS-1 of Michael W. Sole.
05721-2017	07/07/2017	FPL - Letter dated 7/7/17, advising pursuant to Order PSC- 17-0106-PCO-EI, that there are no new environmental projects to be submitted for cost recovery
06021-2017	07/19/2017	FPL - Petition for approval of environmental cost recovery actual/estimated true-up for the year 2017 and modification of Manatee temporary heating system project; testimony of Renae B.

		Deaton and Exh RBD-2; testimony of Michael W. Sole and Exhs MWS-2 through MWS- 19.
06946-2017	08/11/2017	FPL - Petition for approval of environmental cost recovery clause factors for 1/18 through 1/18; testimony of Renae B. Deaton and Exh RBD-3.
07241-2017	08/23/2017	OPC - Direct testimony of Sorab Panday and Exhs SP-1 through SP- 3. [CLK note: See DN 07669-2017 for substitution of Exh SP- 2]

07641-2017

09/13/2017

OPC – Letter dated  
9/13/17 with attached  
errata sheet to direct  
testimony of Sorab  
Panday [CLK note: See  
DN 07241-2017 for  
direct testimony.]

07643-2017

09/13/2017

FPL - Motion for  
extension of time [to  
make certain filings due  
to Hurricane Irma];  
requested filing  
deadlines included in  
motion. [CLK note: See  
DN 07657-2017 for  
updated notice of  
conferral regarding  
motion for extension of  
time.]

07657-2017	09/14/2017	FPL - Updated notice of conferral regarding motion for extension of time. [CLK note: See DN 07643-2017 for extension of time.]
07659-2017	09/14/2017	Order PSC-2017-0348-PCO-EI granting FPL's unopposed motion for extension of time.
07669-2017	09/15/2017	OPC - Notice of substitution of Exh SP-2 to testimony of Sorab Panday. [CLK note: See DN 07241-2017 for direct testimony of Sorab Panday]
07900-2017	09/25/2017	FPL - Rebuttal testimony and exhibits of Michael W. Sole

07901-2017

09/25/2017

(Exh MWS-20) and

Keith Ferguson.

FPL - Rebuttal

testimony of Peter

Andersen and Exhs

PFA-1, PFA-2, PFA-3,

PFA-4, PFA-5, and

PFA-6.

07917-2017

09/26/2017

FAR notice (to be

published 9/27/17) of

prehearing and hearing;

prehearing to be held

10/11/17 in Tallahassee;

hearing to be held

10/25/17 in Tallahassee,

with 10/26 - 10/27

reserved for

continuation of hearing,

if needed; with attached

acknowledgment of

07934-2017

09/27/2017

submittal by

Administrative Code

and Register.

Notice of Commission

hearing and prehearing -

Hearing to be held

10/25/17 immediately

following hearing in

Docket No. 20170183-

EI, Room 148, Betty

Easley Conference

Center, 4075 Esplanade

Way, Tallahassee;

prehearing to be held

10/11/17 at 1:30 p.m.,

Room 148, Betty Easley

Conference Center,

4075 Esplanade Way,

Tallahassee.

07983-2017	09/29/2017	Certificate of service [of staff's prehearing statement.]
07997-2017	09/29/2017	OPC - Prehearing statement.
07998-2017	09/29/2017	FIPUG - Prehearing statement.
07999-2017	09/29/2017	SACE - Prehearing statement.
08002-2017	09/29/2017	FPL - Prehearing statement.
08038-2017	10/02/2017	Memo dated 10/2/17 to CLK/Stauffer with attached staff's prehearing statement for docket file.
08494-2017	10/11/2017	FPL - Letter dated 10/11/17, with attached errata sheet addressing 7/19/17 testimony of

		Michael Sole and 4/3/17 testimony of Renae Deaton.
08902-2017	10/18/2017	TRANSCRIPT - 10/11/17 prehearing conference.
08990-2017	10/20/2017	Prehearing Order PSC- 2017-0400-PHO-EI.
09070-2017	10/23/2017	OPC - Notice of service of substitution of revised demonstrative 19 and second errata to testimony of Sorab Panday.
09324-2017	10/31/2017	TRANSCRIPT - Volume 1, pages 1 to 221 of 10/25/17 hearing.
09325-2017	10/31/2017	TRANSCRIPT - Volume 2, pages 222 to

		273 of 10/25/17 hearing.
09326-2017	10/31/2017	TRANSCRIPT -  Volume 3, pages 274 to 475 of 10/26/17 hearing.
09345-2017	10/31/2017	TRANSCRIPT -  Volume 4, pages 476 to 599 of 10/26/17 hearing.
09346-2017	10/31/2017	TRANSCRIPT -  Volume 5, pages 600 to 783 of 10/26/17 hearing.
09347-2017	10/31/2017	TRANSCRIPT -  Volume 6, pages 784 to 968 of 10/26/17 hearing
09365-2017	11/01/2017	Hearing exhibits 1 to 89 for 8/25-26/17. [Entire File]

09374-2017	11/01/2017	SACE - Motion for reopening of the record and supplementary hearing.
09382-2017	11/02/2017	SACE - Notice of withdrawal of motion for reopening of the record and supplementary hearing.
09393-2017	11/02/2017	CLK/Stauffer - Memo dated 11/2/17 to CLK/Wang with attached corrected transcript page in docket file; correction to DN 09347-2017, hearing transcript 6, page 849.
09746-2017	11/13/2017	SACE - Post-hearing statement, and findings

		of fact and conclusions of law.
09748-2017	11/13/2017	FPL - Post-hearing brief.
09752-2017	11/13/2017	FIPUG - Notice of joinder of OPC's post- hearing brief.
09753-2017	11/13/2017	OPC - Citizens' post- hearing brief.
10193-2017	11/30/2017	RECOM for 12/12/17 Commission conference, Item 8, from ENG, AFD, ECO, and GCL staff.
10557-2017	12/12/2017	Vote sheet from 12/12/17 Commission conference, Item 8.
10794-2017	12/21/2017	TRANSCRIPT - 12/12/17 Commission conference, Item 8.

00007-2018	01/02/2018	Order PSC-2018-0007-PCO-EI establishing 2018 docket number. [CLK note: Docket 20170007 will be closed on issuance of this order.]
00055-2018	01/03/2018	TECO's - Notice of intent to retain party status.
00058-2018	01/03/2018	FIPUG's - Notice of intent to retain party status.
00067-2018	01/03/2018	Duke Energy Florida, LLC - Notice of intent to retain party status.
00068-2018	01/03/2018	FPL's - Notice of Intent to retain party status.

00105-2018	01/04/2018	GPC's - Notice of Intent to retain party status.
00109-2018	01/04/2018	OPC's - Notice of reaffirming party status.
00124-2018	01/05/2018	White Springs' - Notice reaffirming party status.
00126-2018	01/05/2018	Final Order PSC-2018-0014-FOF-EI approving projected expenditures and true-up amounts for environmental cost recovery; each utility that was a party to this docket shall abide by the stipulations and findings which are applicable to it; land conveyance from FPL to SFWMD is neither

approved nor denied;  
FPL's approved costs  
associated with the CA,  
CAA, and CO are part  
of the existing  
monitoring plan project  
and proposed  
allocations are  
approved; utilities  
named in order are  
authorized to collect the  
environmental cost  
recovery amounts and  
use the factors approved  
for billing cycles 1/18-  
12/18; revised tariffs  
reflecting the  
environmental cost  
recovery amounts and  
factors determined to be

appropriate in this  
proceeding are  
approved; docket to  
remain open.

### **STATEMENT OF ACTS TO BE REVIEWED**

Pursuant to Rule 9.200(a)(2), OPC provides with these Directions the following statement of acts to be reviewed. In Order No. PSC-2018-0014-FOF-EI, the Public Service Commission approved FPL's request to recover from its customers certain environmental contamination remediation and containment costs related to its Turkey Point Nuclear Power Plant Cooling Canal System ("TPCCS"); FPL sought to recover said costs through the Environmental Cost Recovery Clause ("ECRC") outlined in § 366.8255, Fla. Stat. (2017).<sup>2</sup>

As referenced in the 2018 ECRC Order under appeal, FPL entered a Consent Agreement with the Miami-Dade Department of Environmental Resource Management ("DERM") on October 7, 2015, a Consent Agreement Addendum with DERM on August 15, 2016, and a Consent Order with the Florida Department of

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<sup>2</sup> § 366.8255, Fla. Stat. was last revised in 2012.

Environmental Protection on June 20, 2016. The Consent Order documents the fact that FPL agreed that it violated the law. In the 2018 ECRC Order under appeal, the Commission decided that the costs in dispute were part of a monitoring plan from 2009. The Commission further decided that said disputed costs were eligible for recovery under the ECRC, were prudently incurred, and thus should be recovered from FPL's customers through the ECRC as both operation and maintenance ("O&M") and capital expenses.

The instant appeal focuses on all issues related to the recovery of costs by FPL through the ECRC for environmental contamination remediation and containment activities associated with the TPCCS and the public waters adjacent to the TPCCS. Therefore, the documents contained in these Directions to the Clerk are only those documents from the record that relate to FPL's request to recover from its customers,

via the ECRC, the disputed costs associated with the TPCCS.

J.R. Kelly  
Public Counsel  
Florida Bar No. 0768359  
[kelly.jr@leg.state.fl.us](mailto:kelly.jr@leg.state.fl.us)

/s/Stephanie A. Morse  
Stephanie A. Morse  
Associate Public Counsel  
Florida Bar No. 0068713  
[morse.stephanie@leg.state.fl.us](mailto:morse.stephanie@leg.state.fl.us)

Charles J. Rehwinkel  
Deputy Public Counsel  
Florida Bar No. 0527599  
[rehwinkel.charles@leg.state.fl.us](mailto:rehwinkel.charles@leg.state.fl.us)

c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330

Attorneys for Citizens of  
the State of Florida

**CERTIFICATE OF SERVICE**  
**20180007-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing  
**DIRECTIONS TO CLERK OF THE FLORIDA PUBLIC SERVICE**  
**COMMISSION AND STATEMENT OF ACTS TO BE REVIEWED** has been  
furnished by electronic mail on this 15<sup>th</sup> day of February, 2018, to the following:

Charles Murphy  
Stephanie Cuello  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[cmurphy@psc.state.fl.us](mailto:cmurphy@psc.state.fl.us)  
[scuello@psc.state.fl.us](mailto:scuello@psc.state.fl.us)

James Beasley  
Jeffrey Wahlen  
Ashley Daniels  
Ausley Law Firm  
P.O. Box 391  
Tallahassee, FL 32302  
[jbeasley@ausley.com](mailto:jbeasley@ausley.com)  
[jwahlen@ausley.com](mailto:jwahlen@ausley.com)  
[adaniels@ausley.com](mailto:adaniels@ausley.com)

Dianne M. Triplett  
Duke Energy Florida  
299 First Avenue North  
St. Petersburg, FL 33701  
[dianne.triplett@duke-energy.com](mailto:dianne.triplett@duke-energy.com)

Matthew R. Bernier  
Duke Energy Florida.  
106 East College Ave, Suite 800  
Tallahassee, FL 32301-7740  
[matthew.bernier@duke-energy.com](mailto:matthew.bernier@duke-energy.com)

Kenneth Hoffman  
Florida Power & Light Company  
215 South Monroe St., Suite 810  
Tallahassee, FL 32301-1859  
[ken.hoffman@fpl.com](mailto:ken.hoffman@fpl.com)

John T. Butler  
Jessica Cano  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
[John.butler@fpl.com](mailto:John.butler@fpl.com)  
[Jessica.cano@fpl.com](mailto:Jessica.cano@fpl.com)

Ms. Paula K. Brown  
Regulatory Affairs

James W. Brew

Tampa Electric Company  
P. O. Box 111  
Tampa FL 33601-0111  
[regdept@tecoenergy.com](mailto:regdept@tecoenergy.com)

Jeffrey A. Stone  
Russell Badders  
Steve Griffin  
Beggs & Lane Law Firm  
P.O. Box 12950  
Pensacola, FL 32591  
[jas@beggslane.com](mailto:jas@beggslane.com)  
[rab@beggslane.com](mailto:rab@beggslane.com)  
[srg@beggslane.com](mailto:srg@beggslane.com)

Rhonda J. Alexander  
Regulatory, Forecasting &  
Pricing Manager  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780  
[rlmcgee@southernco.com](mailto:rlmcgee@southernco.com)

Laura A. Wynn  
c/o Stone Law Firm  
1025 Thomas Jefferson St., NW  
Eighth Floor  
Washington, DC 20007-5201  
[jbrew@smxblaw.com](mailto:jbrew@smxblaw.com)  
[law@smxblaw.com](mailto:law@smxblaw.com)

Jon C. Moyle, Jr.  
Moyle Law Firm  
118 North Gadsden Street  
Tallahassee, FL 32301  
[jmoyle@moylelaw.com](mailto:jmoyle@moylelaw.com)

George Cavros  
Southern Alliance for Clean Energy  
120 E. Oakland Park Blvd.,  
Ste. 105  
Fort Lauderdale, FL 33334  
[george@cavros-law.com](mailto:george@cavros-law.com)

/s/Stephanie A. Morse  
Associate Public Counsel  
Florida Bar No. 0068713