

MEMORANDUM

Agenda Item No. 11(A)(6)

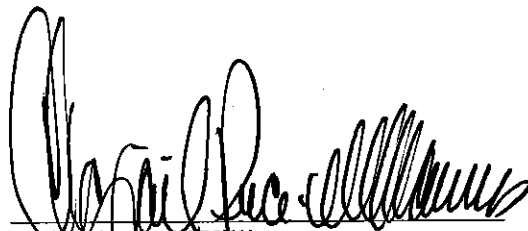
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Public Service Commission to
deny Florida Power & Light the
ability to recover costs for
remediating environmental
impacts from the Turkey Point
Power Plant at additional cost to
ratepayers, to the extent such
costs are not already covered by
the previously-filed proposed
electricity rate increase the Board
opposed in Resolution No. R-
322-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

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SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
6-7-16

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA PUBLIC SERVICE COMMISSION TO DENY FLORIDA POWER & LIGHT THE ABILITY TO RECOVER COSTS FOR REMEDIATING ENVIRONMENTAL IMPACTS FROM THE TURKEY POINT POWER PLANT AT ADDITIONAL COST TO RATEPAYERS, TO THE EXTENT SUCH COSTS ARE NOT ALREADY COVERED BY THE PREVIOUSLY-FILED PROPOSED ELECTRICITY RATE INCREASE THE BOARD OPPOSED IN RESOLUTION NO. R-322-16

WHEREAS, Florida Power & Light (FPL) operates the Turkey Point Power Plant in south Miami-Dade County, adjacent to Biscayne National Park and Biscayne Bay; and

WHEREAS, operation of the Turkey Point Power Plant, and particularly use of the approximately 5,900-acre unlined cooling canal system to cool nuclear-powered Units 3 and 4, has had significant negative impacts to environmental resources in the area surrounding the plant, including the creation of a plume of dense “hypersaline” saltwater that is migrating outside the boundaries of the cooling canal system into the County’s drinking water aquifer, as well as leaching water tainted with ammonia and other contaminants into Biscayne Bay; and

WHEREAS, FPL has been aware of the environmental contamination emanating from the cooling canal system since at least 2010; and

WHEREAS, in 2015, the County’s Division of Environmental Resources Management issued a Notice of Violation to FPL for its continued impacts to groundwater and entered into a Consent Agreement with FPL, requiring the utility to undertake various actions to reduce and remediate the impacts, including the installation of wells to intercept, capture, contain, and retract hypersaline groundwater; and

WHEREAS, since then, the Florida Department of Environmental Protection has also entered a final order requiring FPL to undertake certain actions to address the environmental damage from the cooling canal system; and

WHEREAS, at a Florida Senate joint committee hearing conducted in Homestead on April 29, 2016, FPL represented that the remediation costs could be as high as \$50 million this year alone, and that the utility would seek to recover those costs from customers; and

WHEREAS, FPL's customers include over 1 million homes and businesses in Miami-Dade County, which is a larger share of FPL's 4.8 million customers than any other county; and

WHEREAS, in January 2016, FPL filed a request with the Florida Public Service Commission (PSC) to raise the base rate of the monthly bill of a typical customer by \$13 a month, which increase would be phased in over four years (\$8.50 in 2017, another \$2.50 in 2018 and \$2 in 2019); and

WHEREAS, the January 2016 request did not include the costs of remediating the environmental damage from Turkey Point; and

WHEREAS, in Resolution No. R-322-16, this Board opposed that proposed rate increase because of its potentially adverse impact on certain sectors of the population, particularly on those elderly residents and others who rely on fixed incomes to pay for their daily needs; and

WHEREAS, under state law, FPL is allowed to earn an annual return on equity within a range established by the PSC, which is currently set between 9.5 percent and 11.5 percent; and

WHEREAS, regardless of the outcome of FPL's pending rate increase request, FPL's customers should not bear any additional burden of paying for FPL's environmental cleanup, which should instead be borne by FPL's shareholders,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby:

Section 1. Urges the Florida Public Service Commission to deny any electricity rate increase or special assessment proposed by FPL to pay the costs of remediating the environmental impacts of the Turkey Point Power Plant, to the extent such costs are not already covered by the previously-filed proposed electricity rate increase, the Board opposed in Resolution No. R-322-16.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Chair and Members of the Florida Public Service Commission, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel