

## MEMORANDUM

Agenda Item No. 11(A)(6)

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

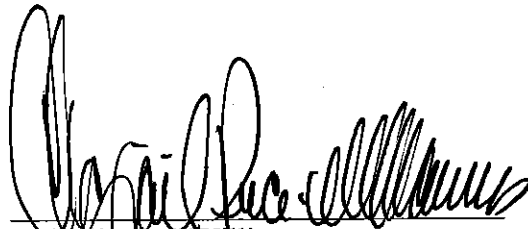
**DATE:** June 7, 2016

**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

Resolution No. R-502-16

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)

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and Members, Board of County Commissioners

**DATE:** June 7, 2016

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County Attorney

**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. R-502-16

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:

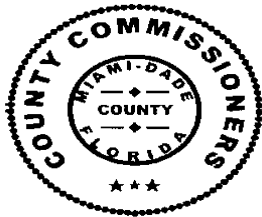
**Section 1.** Urges the Florida Public Service Commission to deny any electricity rate increase or special assessment proposed by FPL to pay the costs of remediating the environmental impacts of the Turkey Point Power Plant, to the extent such costs are not already covered by the previously-filed proposed 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 **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "Dak", is written over a horizontal line.

Dennis A. Kerbel