

# Power line issue puts governor, Cabinet, in political quandary

Mary Ellen Klas, Times/Herald Tallahassee Bureau Monday, May 12, 2014 7:15pm  
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TALLAHASSEE — Gov. Rick Scott and members of the Cabinet face what may be the most controversial and politically delicate decision of their term Tuesday, when they will decide whether to give Florida Power & Light permission to build two new nuclear power generators and 88 miles of new transmission lines in South Florida.

The proposed high-voltage lines, which would be hoisted on towers which could rise as high as 150 feet, have generated opposition in the cities in Miami-Dade County through which the lines would traverse — a region of the state that Gov. Rick Scott has deemed crucial to his re-election bid.

While cities have questioned the need for the power plants, their main objection has been on where to locate the 230-kilovolt lines on 80- to 100-foot poles.

The lines are projected to run from Cutler Bay through Pinecrest, South Miami and Coral Gables to a substation in Coconut Grove. The towers would be built along Metrorail and U.S. 1, past Cadillac show rooms, Porsche dealers, retail malls and through miles of concentrated development.

On the west, three 500-kilovolt transmission lines on 150-foot poles would run through the edge of Everglades National Park, a prospect that conservation groups say could have a detrimental effect on sensitive wildlife habitats.

FPL says the new lines are essential to supplying energy to South Florida's growing population and, over the 40-year life of the project, predicts that customers will save \$64 billion in fossil fuel costs, down from the \$75 billion in savings the utility projected last year. Any further delay, the company argues, will be expensive for customers, said Peter Robbins, an FPL spokesman.

FPL began seeking approval for two new 1,100 megawatt nuclear generators, known as Turkey Point 6 and 7, in 2006. Since then, the state's Public Service Commission determined in 2008 that there was a need for the project. The Florida Department of Environmental Regulation signed off on the proposal and, this past November, after an eight-week administrative hearing, Judge D.R. Alexander sided with FPL on nearly every disputed claim.

The cities argue that if FPL needs the high-voltage wires, they should be built underground to protect property values and avoid the negative effects on economic

development. They are asking the governor and Cabinet to reject the request, or defer a decision until more information can be obtained.

"This item is of extreme importance to our city and Miami-Dade as a whole," said Miami City Attorney Victoria Méndez at a meeting of Cabinet aides last week. "There are 450,000 residents in the city of Miami and 2 million residents in Miami-Dade County — 1.2 million of which are voters — something to keep in mind."

The political implications have not been lost on FPL either. The project is the largest the utility has proposed in 40 years and, in anticipation of the public opposition, the company has been actively working to influence both local governments and the governor and Cabinet, who will sit as the Power Plant Siting Board.

The siting board is a rarely convened body that has the exclusive authority to approve the construction of any new power plants in Florida.

According to the Division of Elections, FPL and its parent company, NextEra, have given more than \$800,000 directly to Scott and his political committee since 2010.

The company gave another \$50,000 to the political committee of Attorney General and Cabinet member Pam Bondi and has contributed more than \$700,000 to the Republican Party of Florida this election cycle, more than \$1 million to the RPOF in 2012 and another \$1.1 million in 2010. The party has, in turn, given all but one third of the more than \$3 million it collected this cycle back to the political committees of the governor and Cabinet.

In addition, FPL president Eric Silagy has traveled with the governor on every one of the trade missions organized by Enterprise Florida during his term.

"No one can purchase Governor Scott's support or opposition to anything," said Scott spokesman John Tupps. Similar sentiments were expressed by spokesmen for each of the other Cabinet officials, Bondi, Agriculture Commissioner Adam Putnam and Chief Financial Officer Jeff Atwater.

In the November hearing, Alexander, the administrative judge, made 787 findings of fact that laid out the conditions of the project in a 328-page order that will serve as the official recommendation to the governor and Cabinet.

He dismissed an economic analysis by the cities that estimated 8,000 jobs would be lost and property values would drop by 10 percent because of the negative aesthetics of the massive towers. He concluded that creating an underground line would cost nine times more than hoisting the cables overhead. And he said there are no renewable energy sources or conservation measures that would equal the energy produced by the new plants.

None of these conclusions have stopped the cities from fighting. The cities of Coral Gables and Pinecrest filed a lawsuit before the judge began the hearing. Both cities claim FPL's pursuit of the project violates the 30-year agreement they have with the utility for electric power. The franchise agreement expires in 2028.

Dennis Kerbel, assistant city attorney for Miami-Dade County, said the judge made a fundamental legal error when he failed to apply the proper local land-use and zoning law when he analyzed the proposal for transmission lines along the western corridor and therefore failed to properly consider the environmental impact.

Kerbel urged the governor and Cabinet to send the issue back for the judge to correct the record.

Sarah Fain, a lawyer for the National Parks Conservation Association, said the law requires power companies to build transmission lines in places that have the least adverse impacts and added that the judge erred by not requiring FPL to identify a transmission line corridor that does not cut through the Everglades.

Opponents also say that natural gas and other energy alternatives are now cheaper than nuclear power, but FPL continues to pursue expansion of its Turkey Point Nuclear Plant so it can charge customers for the transmission lines before they are built, using the state's nuclear cost recovery fee.

"The price of solar and natural gas has dropped while the price of nukes has skyrocketed," said Phil Stoddard, mayor of South Miami. "If they were looking out for [customers] they would have taken those changes into account, they're still stuck because if they can add \$24 billion to their rate base, they can charge us 11 percent annually when they flip on the switch. The more money they can get into infrastructure, the more money their shareholders make."

Stoddard, who said he has been elected three times because of opposition to the transmission lines, said he believes the issue is a litmus test for many voters in the county.

State Rep. Javier Jose Rodriguez, a Miami Democrat who hosted a town hall meeting last week on the issue, said he believes the governor and the Cabinet may be his community's last hope.

"Given the history of our regulators, the best and perhaps only hope we have is the fact that this is an election year," he said.