

May 14, 1999

Charles A. Guyton
850.222.3423

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

By Hand Delivery

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RECORDS AND REPORTING

**Re: Petition for Approval of True-Up
Amount in Docket No. 990002-EG**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in Docket No. 990002-EG are the original and ten copies of the following:

1. Florida Power & Light Company's Petition For Approval of Energy Conservation Cost Recovery Factor Final True-Up for the months of April 1998 through December 1998
2. Testimony and Exhibits of Leonor M. Busto

If you or your staff have any questions regarding this transmittal, please contact me at 222-2300.

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[Signature]
FPSC-BUREAU OF RECORDS

Respectfully,

Charles A. Guyton
Charles A. Guyton

AFA Vaudiner
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CAF Etc.
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost Recovery)
Clause)

Docket No. 990002-EG
Filed: May 14, 1999

**FLORIDA POWER & LIGHT COMPANY'S
PETITION FOR APPROVAL OF TRUE-UP AMOUNT**

Florida Power & Light Company ("FPL") hereby petitions the Florida Public Service Commission ("Commission") for approval of an overrecovery of \$5,093,496 as FPL's adjusted net true-up amount for the April through December 1998 Energy Conservation Cost Recovery ("ECCR") final true-up period. In support of this Petition, FPL states:

1. The name and address of the affected agency are:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. The name, address and telephone number of the petitioner are:

Florida Power & Light Company
9250 West Flagler Avenue
Miami, Florida 33174
(305) 552-4981

Notices, orders, pleadings and correspondence to be served upon FPL in this proceeding should be directed to:

Charles A. Guyton, Esquire
Steel Hector & Davis LLP
Suite 601, 215 S. Monroe St.
Tallahassee, Florida 32301

William G. Walker, III
Vice President, Regulatory Affairs
9250 West Flagler Avenue
Miami, Florida 33174

3. Florida Power & Light Company is a public utility subject to the Commission's jurisdiction pursuant to Chapter 366, Florida Statutes. Pursuant to Section 366.82, Florida Statutes,

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FPSC-RECORDS/REPORTING

and Florida Administrative Code Rule 25-17.015, FPL has an ECCR clause through which it recovers its reasonable and prudent unreimbursed costs for conservation audits, conservation programs, and implementation of FPL's conservation plan. FPL has substantial interests in the proper calculation and recovery of its ECCR factor and the final true-up which is used in the computation of FPL's ECCR factor.

4. FPL seeks Commission approval of a final adjusted net true-up for the period April through December 1998 of an overrecovery of \$5,093,496. FPL's final adjusted net true-up for April through December 1998 was calculated consistently with the methodology set forth in Schedule 1, page 2 of 2, attached to Order No. 10093, dated June 19, 1981. This calculation and the supporting documentation are contained in Exhibit LMB-1, an exhibit attached to the prepared testimony of FPL's witness Leonor M. Busto, which is being filed contemporaneously with this Petition. Exhibit LMB-1 consists of (a) the Energy Conservation Cost Recovery True-Up Reporting Forms which FPL and other utilities were directed to file by the Commission's Electric & Gas Department memorandum dated April 14, 1982, (b) explanatory supplements to certain of the forms, (c) a complete list of account and subaccount numbers used for conservation cost recovery as required by Florida Administrative Code Rule 25-17.015(3), and (d) documentation necessary to support claimed energy savings in conservation advertising as required by Florida Administrative Code Rule 25-17.015(5).

5. In April 1999 the Commission amended Florida Administrative Code Rule 25-17.015. Under the amended rule, each utility seeking conservation cost recovery must file, "an annual final true-up filing showing the common costs, individual program costs and revenues, and actual total ECCR revenues for the most recent 12-month historical period from January 1 through

December 31 that ends prior to the annual ECCR proceedings.” For the proceedings scheduled for November 1999, that twelve month period would be January 1, 1998 through December 31, 1998, because the twelve month period ending December 31, 1999 would not yet be ended. However, the current ECCR factors approved for FPL already include the a final true-up for the period January through March 1998, the first quarter of the true-up period contemplated in the recently amended Rule 25-17.015. When Rule 25-17.015 was amended in April 1999 to reflect the new January through December recovery and true-up periods, the rule did not address the transition from the April through March recovery periods to the new January through December recovery periods. Consequently, to make the transition from the final true-up period underlying the current ECCR factors, FPL is filing a final true-up for the nine month period from April through December 1998. This avoids repeating a final true-up for the period January through March 1998, a period already subject to a final true-up.

6. FPL's current ECCR Factor -- approved by the Commission to be applied to customers' bills during the January through December 1999 period -- reflected an estimated/actual true-up underrecovery of \$2,025,105 for the April through December 1998 period. However, the actual net true-up overrecovery for the April through December 1998 period was \$3,068,391. The difference between the actual net true-up overrecovery for the April through December 1998 period of \$3,068,391 and FPL's approved estimated/actual true-up underrecovery of \$2,025,105 results in an adjusted net true-up of an overrecovery of \$5,093,496 for the period April through December 1998. This is the amount which should be refunded on jurisdictional sales during FPL's next annual ECCR recovery period.

7. In Order No. PSC-98-1211-FOF-EI, the Commission approved FPL's Petition for

Waiver of Rule 25-17.015(1), F.A.C. In FPL's rule waiver petition FPL asked the Commission to waive Rule 25-27.015(1), Florida Administrative Code and permit FPL to have an ECCR factor for calendar year 1999 rather than the year April 1999 through March 2000. FPL requested that the Commission use a final true-up period in the calculation of FPL's calendar year 1999 ECCR factor of October 1997 through March 1998 and an estimated actual true-up for the period April through December 1998. Thus, FPL's requested final true-up for the period April through December 1998 in this petition not only accomplishes a necessary transition in the implementation of the April 1999 amendment to Rule 25-17.015, but also is consistent with the relief granted by the Commission in FPL's rule waiver petition.

8. FPL is not aware of any disputed issues of material facts.

9. This is a petition requesting approval of a true-up amount for ECCR; it is not a petition in response to an agency action. Therefore, FPL cannot provide "a statement of when and how the petitioner received notice of the agency decision."

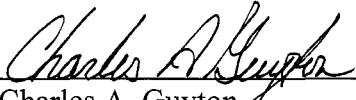
10. The approval of FPL's final adjusted ECCR net true-up overrecovery of \$5,093,496 for the period April through December 1998 is in the public interest and should be made. Section 366.82, Florida Statutes (1997) and Florida Administrative Code Rule 25-17.015 entitle FPL to relief.

WHEREFORE, FPL respectfully requests the Commission approve an overrecovery of \$5,093,496 as the final adjusted net true-up amount for the April through December 1998 period, and that the approved final adjusted net true-up amount be carried over and reflected in FPL's next ECCR factors.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301
(904) 222-2300

Attorneys for Florida Power
& Light Company

By: 
Charles A. Guyton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of True-Up Amount was served by Hand Delivery (when indicated with an *) or mailed this 14th day of May, 1999 to the following:

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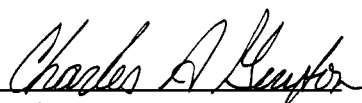
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