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August 7, 2003

-VIA FEDERAL EXPRESS-

Blanca S. Bayó
Director, Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 030007-EI

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of the Environmental Cost Recovery Estimated/Actual True-Up for the Period January 2003 Through December 2003, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000.

Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and exhibits of Florida Power & Light Company witnesses K. M. Dubin and R.R. LaBauve.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Sincerely,

Kenneth M. Dubin
for JTB
John T. Butler

Enclosures

cc: Counsel for Parties of Record (w/encl.)

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Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo

DOCUMENT NUMBER - DATE

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Rio de Janeiro Santo Domingo

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE: Environmental Cost)
Recovery Clause)**

**Docket No. 030007-EI
Filed August 8, 2003**

**PETITION FOR APPROVAL OF THE ENVIRONMENTAL
COST RECOVERY ESTIMATED/ACTUAL TRUE-UP FOR
THE PERIOD JANUARY 2003 THROUGH DECEMBER 2003**

Florida Power & Light Company (“FPL”) pursuant to Order No. PSC-93-1580-FOF-EI, hereby petitions this Commission to approve the calculation of the Environmental Cost Recovery (“ECR”) Estimated/Actual True-up overrecovery of \$850,933 for the period January 2003 through December 2003, including approval to include the Manatee Plant in the Wastewater/Stormwater Discharge Elimination & Reuse Project.

In support of this Petition, FPL incorporates the prepared written testimony of and documents sponsored by Ms. K. M. Dubin and Mr. R. R. LaBauve and states:

1. Florida Statutes Section 366.8255, which became effective on April 13, 1993, authorizes the Commission to review and approve the recovery of prudently incurred Environmental Compliance Costs.
2. Order PSC-99-2513-FOF-EI issued on December 22, 1999, requires utilities to file their current period estimated/actual true-ups at least 90 days prior to the ECR clause hearing. The hearing in this docket is scheduled to commence on November 12, which is more than 90 days after the filing of this petition.

3. FPL submits for recovery the Estimated/Actual True-up overrecovery of \$850,933 for the period January 2003 through December 2003, as set forth in the testimony and exhibits of Ms. K. M. Dubin and Mr. R. R. LaBauve. Pursuant to Order PSC-02-1735-FOF-EI, FPL has included actual costs for the period January through June 2003 and revised estimates for the period July through December 2003.

4. The calculation of the ECR Estimated/Actual True-up amount for the period January 2003 through December 2003 is contained in Commission schedules 42-IE through 42-8E which are attached as Appendix I to the prepared written testimony of FPL witness K. M. Dubin filed in Docket No. 030007-EI, and are incorporated herein by reference.

5. As part of this petition, FPL seeks approval for inclusion of the Manatee Plant in the Wastewater/Stormwater Discharge Elimination & Reuse (“WSDER”) Project.¹ In 1998, the Commission approved the WSDER Project for ECR clause recovery, but at that time FPL did not ask to include the Manatee Plant. Instead, FPL committed that it would petition the Commission if it subsequently sought to do so.² The WSDER improvements for the Manatee Plant are minor, consisting of installing additional piping and vents on the Boiler Blowdown System and the Storm Water Collection System. This work is scheduled to commence in October 2003. FPL projects it will cost \$10,000, all of which will be spent in 2003. The prepared testimony of Mr.

¹ The purpose of the WSDER Project is to meet the BMP3 requirements of the NPDES Permits of several FPL plants. The Project eliminates discharges of wastewater and stormwater and beneficially reuses the wastewater and stormwater in plant operations.

² FPL had anticipated that the WSDER improvements at the Manatee Plant would be addressed as part of the new NPDES permit that would have been issued for the Plant as part of the Orimulsion Project certification. That certification was subsequently denied, and so the Manatee Plant WSDER improvements were not implemented at that time.

R.R. LaBauve explains and supports inclusion of the Manatee Plant in the WSDER project. The costs that FPL seeks to recover for inclusion of the Manatee Plant in the WSDER Project are prudent and meet the requirements for recovery set forth in Section 366.8255, Florida Statutes.

WHEREFORE, FPL respectfully requests the Commission to approve the Environmental Cost Recovery Estimated/Actual True-up amount requested herein for the period January 2003 through December 2003, including approval to include the Manatee Plant in the Wastewater/Stormwater Discharge Elimination & Reuse Project.

Respectfully submitted,

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Attorneys for Florida Power & Company

By: *John T. Butler for JTB*
John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 030007-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of the Environmental Cost Recovery Estimated/Actual True-Up for the Period January 2003 Through December 2003 has been furnished by Federal Express or U.S. Mail this 7th day of August, 2003 to the following:

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