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COMMISSION
 CLERK

October 18, 2004

VIA OVERNIGHT MAIL

Ms. Blanca S. Bayó, Director
 Division of the Commission Clerk and
 Administrative Services
 Florida Public Service Commission
 Betty Easley Conference Center
 2540 Shumard Oak Boulevard, Room 110
 Tallahassee, FL 32399-0850

Re: Energy Conservation Cost Recovery Clause - Docket No. 040002-EG
 Florida Power & Light Company's Prehearing Statement

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company (FPL) are an original and fifteen (15) copies of FPL's Prehearing Statement to be filed in the above-referenced docket.

Also included in this submittal is a computer diskette containing FPL's Prehearing Statement in Word format. Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

Natalie F. Smith

- CMP _____
- COM 5
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- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

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 Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)
_____)

Docket No. 040002-EG

Filed: October 18, 2004

**FLORIDA POWER & LIGHT COMPANY'S
PREHEARING STATEMENT**

Florida Power & Light Company ("FPL"), pursuant to Order No. PSC-04-0290-PCO-EG, hereby files its Prehearing Statement in Docket No. 040002-EG.

(a) The name of all known witnesses that may be called by the party, and the subject matter of their testimony:

<u>Witness</u>	<u>Subject Matter</u>
Ken Getchell	Final True-Up for January 2003 - December 2003.
Ken Getchell	Projection for January 2005 - December 2005 and the Actual/Estimated True-Up for January - December 2004.

(b) A description of all known exhibits that may be used by the party, whether they may be identified on a composite basis, and the witness sponsoring each:

FPL has prefiled exhibits KG-1 and KG-2 that should be identified separately.

<u>Exhibit</u>	<u>Content</u>	<u>Sponsoring Witness</u>
KG-1	Schedules CT-1 through CT-6, Appendix A	Ken Getchell
KG-2	Schedules C-1 through C-5	Ken Getchell

(c) A statement of basic position in the proceeding:

FPL's proposed Conservation Cost Recovery Factors for the January 2005 through December 2005 recovery period and true-up amounts for prior periods should be approved.

d) A statement of each question of fact the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issue:

ISSUE 1: What are the appropriate final conservation cost recovery true-up amounts for the period January 2003 through December 2003?

FPL: \$ 4,698,364 over recovery (Getchell)

ISSUE 2: What are the appropriate conservation cost recovery factors for the period January 2005 through December 2005?

FPL:	<u>Rate Class</u>	<u>ECCR Factor</u>	<u>Rate Class</u>	<u>ECCR Factor</u>
	RS1/RST1	.00148 \$/kWh	ISST1-T	.00115 \$/kWh
	GS1/GST1	.00138 \$/kWh	SST1T	.00115 \$/kWh
	GSD1/GSDT1	.00130 \$/kWh	SST1D1/SST1D2/SST1D3	.00113 \$/kWh
	OS2	.00113 \$/kWh	CILCD/CILCG	.00116 \$/kWh
	GSLD1/GSLDT1/CS1/CST1	.00124 \$/kWh	CILCT	.00110 \$/kWh
	GSLD2/GSLDT2/CS2/CST2	.00168 \$/kWh	MET	.00134 \$/kWh
	GSLD3/GSLDT3/CS3/CST3	.00115 \$/kWh	OL1/SL1/PL1	.00062 \$/kWh
	ISST1D	.00113 \$/kWh	SL2	.00112 \$/kWh

(Getchell)

ISSUE 3: What is the Contracted Credit Value for the GSLM-2 and GSLM-3 rate riders for Tampa Electric for the period January 2005 through December 2005?

FPL: No position.

ISSUE 4: What should be the effective date of the new conservation cost recovery factors for billing purposes?

FPL: The factors should be effective beginning with the specified conservation cost recovery cycle and thereafter for the period January 2005 through December 2005. Billing cycles may start before January 1, 2005, and the last cycle may be read after December 31, 2005, so that each customer is billed for twelve months regardless of when the adjustment factor becomes effective. (Getchell)

e) A statement of each question of law the party considers at issue and the party's position on each such issue:

FPL is not aware of any questions of law at issue.

f) A statement of each policy question the party considers at issue, the party's position on each such issue, and which of the party's witnesses will address the issues:

FPL is not aware of any policy issues that are contested.

g) A statement of issues that have been stipulated to by the parties:

FPL believes that its true-ups and ECCR factors may be uncontested and may be stipulated.

h) A statement of all pending motions or other matters the party seeks action upon:

FPL has no pending motions or other matters upon which it seeks action other than its pending petitions for approval of a final true-up and conservation cost recovery factors.

i) A statement identifying the parties' pending requests for confidentiality:

FPL has pending a request for confidential classification regarding confidential information FPL was required to file as part of its true-up filing. FPL's request was filed on May 3, 2004, and pertains to portions of Schedule CT-6 and Appendix A, page 1-A, both of which are part of Exhibit KG-1 in support of the true-up testimony of Ken Getchell.

j) A statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore:

FPL believes it has complied with all requirements for orders regarding prehearing procedures.

k) Any objections to a witness's qualifications as an expert:

FPL raises no objections to the qualifications of any expert witness whose testimony FPL has received. FPL reserves the right to raise objections to the qualification of additional witnesses whose testimony may be received after the date of the Prehearing Statement.

Respectfully submitted,

Florida Power & Light Company

By: Natalie F. Smith
NATALIE F. SMITH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Prehearing Statement was served by Hand Delivery (when indicated with an *) or mailed this 18th day of October, 2004 to the following:

Martha Carter Brown*
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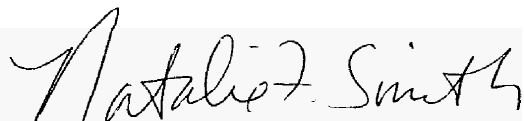
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By:



NATALIE F. SMITH