

STEEL ■
HECTOR
& DAVIS
REGISTERED LIMITED LIABILITY PARTNERSHIP

Steel Hector & Davis LLP
215 South Monroe, Suite 601
Tallahassee, Florida 32301-1804
850.222.2300
850.222.8410 Fax
www.steelhector.com

Charles A. Guyton
850.222.3423

November 30, 2004

VIA HAND DELIVERY

Blanca S. Bayó, Director
Division of the Commission Clerk &
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: **Docket No. 040029-EG**

Dear Ms. Bayó:

Enclosed for filing are the original and seven (7) copies of the Petition For Approval Of Florida Power & Light Company's Demand Side Management Plan, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Microsoft Word.

Also enclosed for filing are the original and seven (7) copies of Florida Power & Light Company's Demand Side Management Plan Document and Plan Appendix A. These are the documents referred to in FPL's petition.

If there are any questions regarding this transmittal, please contact me at 222.2300.

Very truly yours,


Charles A. Guyton

CAG:gcm
Enclosure
Copy to: Adrienne Vining, Esq. (w/enclosure)
Parties of Record (w/enclosure)

TAL_1998 50579v1

DOCUMENT NUMBER-DATE

12722 NOV 30 04

Miami

West Palm Beach

Tallahassee

Key West

London

Caracas

São Paulo

Rio de Janeiro

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In re: Petition for Approval of)
Modifications to Florida Power &)
Light Company's Demand Side)
Management Plan)**

**Docket No. 040029-EG
Filed: November 30, 2004**

**PETITION FOR APPROVAL OF FLORIDA POWER & LIGHT COMPANY'S
DEMAND SIDE MANAGEMENT PLAN**

Florida Power & Light Company ("FPL"), pursuant to Sections 366.82 and 366.06(1), Florida Statutes (2003), Florida Administrative Code Rule 25-17.0021, and Order No. PSC-04-0763-PAA-EG, issued August 9, 2004, in the above-referenced docket, petitions the Florida Public Service Commission ("Commission") to approve FPL's Demand Side Management ("DSM") Plan, which is being filed with this petition, and to authorize FPL to recover through its Energy Conservation Cost Recovery ("ECCR") clause reasonable and prudent expenditures associated with implementation of FPL's DSM Plan. In support of this petition FPL states:

1. The affected agency is:

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

2. The petitioner is:

Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174

DOCUMENT NUMBER-DATE

12722 NOV 30 04

FPSC-COMMISSION CLERK

3. The persons to whom orders, notices, pleadings, motions and other documents for

FPL should be served are:

William G. Walker, III
Vice President, Regulatory Affairs
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, Florida 32301
(850) 521-3900

Charles A. Guyton
Steel Hector & Davis, LLP
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301
(850) 222-2300

Natalie F. Smith, Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 691-7207

4. FPL is an investor-owned electric utility regulated by the Commission pursuant to Chapter 366, Florida Statutes. FPL is subject to the Florida Energy Efficiency Conservation Act (“FEECA”), Sections 366.80-366.85 and 403.519, Florida Statutes (2003), and its Energy Conservation Cost Recovery clause is subject to the Commission’s jurisdiction. Pursuant to FEECA and Commission rules implementing FEECA, FPL is required to file a DSM plan for Commission approval and is entitled to seek recovery of associated expenditures. FPL currently has a Commission-approved DSM plan, but the Commission recently approved new conservation goals for FPL. Under Commission rules implementing FEECA, FPL must file a plan designed to achieve these goals. FPL has a substantial interest in whether the Commission approves FPL’s DSM plan modifications and authorizes cost recovery for plan implementation expenditures.

FPL's Existing DSM Plan

5. The Commission last approved FPL's DSM Plan in 2000.¹ Subsequent to the submission and approval of FPL's DSM Plan in 2000, the Plan has been modified.² As it is currently configured, FPL's DSM Plan contains 17 programs, including 7 residential programs,³ 9 commercial/industrial ("C/I") programs,⁴ and 1 research and development ("R&D") program.⁵ The Plan also includes 2 research projects.⁶ Through its conservation programs FPL offers a

¹ FPL petitioned for plan approval on December 29, 1999. The Commission issued a PAA Order, Order No. PSC-00-0915-PAA-EG on May 8, 2000, approving FPL's proposed plan. There were no protests of that order.

² In January 2003, FPL sought approval to close the On-Call Program to new customers effective April 1, 2003. In its place, FPL proposed a new residential load management pilot project, the On-Call Pilot Project, for a three-year period. By Order No. PSC-03-0322-TRF-EG, issued March 31, 2003, in Docket No. 030051-EG, the Commission approved FPL's request. In August 2003, FPL submitted its petition for approval of the Green Power Pricing Research Project. By Order No. PSC-03-1442-TRF-EI, issued January 16, 2004 in Docket No. 030752-EI, the Commission approved FPL's request. In September 2003, FPL petitioned the Commission for approval to extend the Conservation Research and Development Program through December 31, 2004, which approval was granted by Order No. PSC-03-1339-PAA-EG, issued December 17, 2003, in Docket No. 030949-EG. FPL requested Commission approval of the Low Income Weatherization Program as part of its DSM Plan in January 2004. By Order No. PSC-04-0359-PAA-EG, issued May 3, 2004, in Docket No. 040049-EG, FPL's petition was granted. FPL petitioned for approval of modifications to its BuildSmart™ Program in June of 2004. By Order No. PSC-04-1046-PAA-EG, issued October 26, 2004, in Docket No. 040660-EG, the Commission approved FPL's request, but that Order is subject to protest.

³ FPL's current residential conservation programs are: Residential Conservation Service (an audit program), Residential New Construction (BuildSmart™), Residential Load Management (On Call), Residential Air Conditioning, Residential Building Envelope, Duct System Testing and Repair and Residential Low Income Weatherization .

⁴ FPL's conservation programs currently available to its Commercial/Industrial ("C/I") customers are: C/I Efficient Lighting, C/I Load Control, C/I Heating, Ventilating & Air Conditioning, C/I Building Envelope, C/I Business Custom Incentives, Business Energy Evaluation, Business On Call, Commercial Demand Reduction and Cogeneration and Small Power Production.

⁵ Conservation Research and Development Program.

⁶ FPL's currently approved research projects are: Residential On Call Pilot and Green

wide array of conservation measures and audit services to its customers, and through its research efforts FPL has performed extensive DSM research.

FPL's Proposed DSM Plan

6. FPL's proposed DSM Plan, which is described in detail in the Plan Document and the supporting Plan Appendix A being filed with this Petition, will continue all 19 of FPL's approved conservation offerings. Of these 19 existing conservation offerings, FPL is proposing to continue 12 of the programs or projects with no modifications.⁷ FPL is requesting modifications to seven of the existing programs.⁸ The proposed plan also includes one new research project.⁹ An overview of FPL's DSM Plan may be found in Section I of the Plan Document. FPL proposes to initiate program modifications and new programs after the Commission has approved the modifications and related changes to Program Standards and there has been an opportunity to train personnel regarding the program changes. FPL will work with the Commission and its Staff regarding scheduling for program implementation and training.

7. FPL's DSM Plan is designed to meet the conservation goals approved for FPL by the Commission in Order No. PSC-04-0763-PAA-EG. The proposed programs in FPL's DSM

Power Pricing Research Project.

⁷ The existing programs and projects that FPL proposes to continue with no modifications are: Residential Load Management (On Call) Program, Residential New Construction (BuildSmart Program), Residential Low Income Weatherization, Residential Conservation Service Program, Residential On Call Pilot Project, Green Power Pricing Research Project, Business Custom Incentive Program, Business On Call Program, Commercial/Industrial Demand Reduction Program, Commercial/Industrial Load Control Program, Business Energy Evaluation Program, and Cogeneration and Small Power Production Program.

⁸ The programs and projects FPL proposes to continue with modifications are: Residential Building Envelope Program, Duct System Testing and Repair Program, Residential Air Conditioning Program, Conservation Research and Development, C/I Heating, Ventilating and Air Conditioning Program, C/I Efficient Lighting Program, and C/I Building Envelope Program.

⁹ The new proposed research project is the Business Green Energy Research Project.

Plan fully implement all the currently known cost-effective Achievable Potential under the Rate Impact Measure (“RIM”) and Participants tests through 2014.

8. FPL’s DSM Plan should achieve the goals set forth in the FEECA and Florida Administrative Code Rule 25-17.001. FPL’s DSM Plan will cost-effectively reduce the growth rate of weather-sensitive peak demand, reduce and control the growth rate of energy consumption, increase the conservation of expensive resources and increase the efficiency of the electrical system.

9. FPL’s DSM Plan is cost-effective. In Appendix A to the Plan Document, FPL has shown, using the Commission’s cost-effectiveness methodology, the cost-effectiveness of each of the proposed programs for which cost-effectiveness can be meaningfully calculated.

10. FPL’s DSM Plan is reasonably monitorable. FPL’s monitoring efforts for each of its DSM programs and research projects are set forth in the detailed program and project summaries in FPL’s Plan Document.

11. FPL is not aware of any disputed issues of material fact. FPL’s proposed DSM Plan, which is set forth in the contemporaneously filed Plan Document and Plan Appendix A, should be approved; the Commission should authorize recovery of the reasonable and prudent expenditures associated with FPL’s DSM Plan through FPL’s ECCR clause. The statutes and rule which entitle FPL to relief are Sections 366.82(2), 366.06(1), Florida Statutes (2003), and Florida Administrative Code Rule 25-17.0021.

12. There has not been agency action in this proceeding. Therefore, FPL cannot provide a statement of when and how FPL received notice of agency action.

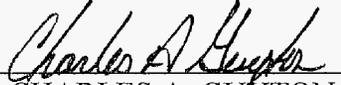
WHEREFORE, FPL respectfully requests that the Commission: (1) approve FPL’s DSM Plan, a copy of which is filed with this petition, (2) authorize FPL to recover through its

ECCR clause reasonable and prudent expenditures associated with the implementation of FPL's DSM Plan, and (3) grant such other relief as may be appropriate.

Respectfully submitted,

Natalie F. Smith, Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 691-7207

Charles A. Guyton
Steel Hector Davis, LLP
215 South Monroe Street
Suite 601
Tallahassee, FL 32301
(850) 222-2300

By: 
CHARLES A. GUYTON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Petition For Approval of Florida Power & Light Company's Demand Side Management Plan in Docket No. 040029-EG, were served by Hand Delivery (*) or mailed this 30th day of November, 2004, to the following:

Adrienne Vining, Esquire *
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Executive Office of the Governor
Office of Planning and Budget
General Government Unit
The Capitol, Rm. 1502
Tallahassee, FL 32399-0001

Florida Industrial Cogeneration Assoc.
c/o Richard A. Zambo, P.A.
598 SW Hidden River Avenue
Palm City, FL 34990

Florida Industrial Power Users Group
c/o McWhirter Law Firm
John W. McWhirter
400 North Tampa Street, Suite 2450
Tampa, FL 33602

McWhirter Law Firm
Vicki Kaufman
117 South Gadsden Street
Tallahassee, FL 32301

Harold McLean
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

By: 
CHARLES A. GUYTON