ORIGINAL

Timolyn Henry

From:

Mike Twomey [miketwomey@talstar.com]

Sent:

Monday, April 18, 2005 4:58 PM

To:

Filings@psc.state.fl.us

Cc:

Ken Hoffman; John McWhirter; Robert Scheffel Wright; CHRISTENSEN.PATTY; Joseph McGlothlin; John

Butler; Natalie Futch-Smith; Wade Litchfield; Katherine Fleming; Cochran Keating; Tim Perry

Subject:

Electronic filing in Docket No. 041291 - FPL Storm Cost Recovery Case

Attachments: AARP's and Twomeys' Joinder in OPC's Motion to Consolidate April 18, 2005final.DOC

- 1. Michael B. Twomey, Post Office Box 5256, Tallahassee, Florida 32314-5256, (850) 421-9530, miketwomey@talstar.com is responsible for this electronic filing;
- 2. The filing is to be made in Docket Nos. 041291-EI,

In Re: Florida Power & Light Company's Petition for Authority to Recover Prudently Incurred Storm Restoration
Costs

Related to the 2004 Storm Season that Exceed the Storm Reserve Balance;

3.	The filing	is made on	behalf of AARP	and the Twomeys;
----	------------	------------	----------------	------------------

4. The total number of pages is 3; and

					GC	· · · · · · · · · · · · · · · · · · ·
5.	Attached to this	s email in	Word format is	the motion in	n joinderope	

Michael B. Twomey Post Office Box 5256 Tallahassee, Florida 32314-5256 (805) 421-9530 (850) 421-8543 - fax miketwomey@talstar.com MMS _____ RCA ____ SCR ____

com 5

CTR

ECR

OTH kimp.

03756 APR 18 B

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Power & Light Company's)	Docket No: 041291-EI
Petition for Authority to Recover)	
Prudently Incurred Storm Restoration		
Costs Related to the 2004 Storm Season)	
That Exceed the Storm Reserve Balance)	
In re: 2005 Comprehensive Depreciation)	Docket No. 050188-EI
Studies by Florida Power & Light)	
Company)	
In re: Petition for rate increase by)	Docket No: 050045-EI
Florida Power & Light Company)	
		Filed: April 18, 2005

AARP'S AND TWOMEYS' JOINDER IN THE OFFICE OF PUBLIC COUNSEL'S MOTION TO CONSOLIDATE

AARP and Thomas P. Twomey and Genevieve E. Twomey, through their undersigned counsel, file this Joinder in the Office of Public Counsel's Motion to Consolidate Storm,

Depreciation, and Revenue Requirements Dockets, and in support thereof state:

1. The gist of Public Counsel's Motion to Consolidate Storm, Depreciation, and Revenue Requirements Dockets is that Florida Power & Light Company has been allowed to collect a minimum of \$1.24 billion in unadjusted excess monies in its various depreciation reserve accounts. Public Counsel has concluded that "the strong, clear likelihood is that the outcome of the depreciation docket will be a finding that FPL overall has a massive depreciation reserve excess." Public Counsel suggests in its motion that the Commission may wish to consider using the depreciation excess to eliminate some or all of the negative storm damage reserve, create a positive balance in the storm reserve going forward, or for other purposes in the revenue requirements case.

2. AARP and the Twomeys support the Office of Public Counsel's motion to consolidate and join it in urging the Commission to consolidate the three dockets. AARP and the Twomeys would respectfully suggest to the Commission that it is more efficient and more logical to consider all FPL's several rate request dockets simultaneously where the "massive depreciation reserve excess" may be considered and netted against the positive revenue demands of the utility in the other dockets.

WHEREFORE, for the above and foregoing reasons, AARP and the Twomeys respectfully request that the Commission grant the Office of Public Counsel's Motion to Consolidate Storm, Depreciation, and Revenue Requirements Dockets.

Respectfully submitted,

By: /s/ Michael B. Twomey

Michael B. Twomey Attorney for AARP and the Twomeys Post Office Box 5256 Tallahassee, Florida 32314-5256 (850) 421-9530 tel. (850)421-8543 fax. miketwomey@talstar.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above document has been

furnished electronically and by United States Mail this 18th day of April, 2005, to the

following:

Wm. Cochran Keating, Esquire Katherine Fleming, Esquire Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850 Tim Perry, Esquire McWhirter Reeves 117 South Gadsden Street Tallahassee, Florida 32301

John W. McWhirter, Esquire McWhirter Reeves 400 North Tampa Street Tampa, Florida 33602 R. Wade Litchfield, Esquire Natalie F. Smith, Esquire 700 Universe Boulevard Juno Beach, Florida 33408-0420

Harold A. McLean, Esquire Joseph A. McGlothlin, Esquire Patricia A. Christensen, Esquire Office of the Public Counsel c/o The Florida Legislature 111 West Madison Street Tallahassee, Florida 32399-1400 Robert Scheffell Wright, Esquire John T. LaVia, III, Esquire Landers & Parsons Post Office Box 271 Tallahassee, Florida 32302

/s/ Michael B. Twomey
Attorney