



Natalie F. Smith  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7207  
(561) 691-7135 (Facsimile)

May 2, 2005

**VIA HAND DELIVERY**

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: Petition for Approval of True-Up Amount  
Docket No. 050002-EG

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and seven (7) copies of FPL's Petition for Approval of True-Up Amount, together with a diskette containing the electronic version of same.

Also enclosed for filing are the original and fifteen (15) copies of the Testimony and Exhibits of Ken Getchell.

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natalie F. Smith', is written over a light gray rectangular background.

Natalie F. Smith

NFS:ec  
Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Energy Conservation Cost            )**  
**Recovery Clause                                )**  
**\_\_\_\_\_ )**

**Docket No. 050002-EG**

**Filed: May 2, 2005**

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

Pursuant to Order No. PSC-05-0277-PCO-EG, issued March 15, 2005 in the above-referenced Docket, Florida Power & Light Company ("FPL") petitions the Florida Public Service Commission ("Commission") for approval of an overrecovery of \$4,091,188 as FPL's adjusted net true-up amount for the January through December 2004 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 Street  
Miami, Florida 33174  
(305) 552-4981

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

William G. Walker, III  
Florida Power & Light Company  
215 South Monroe Street  
Suite 810  
Tallahassee, Florida 32301  
(850) 521-3910 Telephone  
(850) 521-3939 Facsimile

R. Wade Litchfield, Esq.  
Natalie F. Smith, Esq.  
Attorneys for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408  
(561) 691-7100 Telephone  
(561) 691-7135 Facsimile

3. FPL is a public utility subject to the Commission's jurisdiction pursuant to Chapter 366, Florida Statutes. Pursuant to Section 366.82, Florida Statutes, and Rule 25-17.015, Florida Administrative Code, 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 an overrecovery of \$4,091,188 as the adjusted net true-up amount for the period January through December 2004. FPL's final adjusted net true-up for January through December 2004 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 KG-1, an exhibit attached to the prepared testimony of FPL's witness Kenneth Getchell, which is being filed contemporaneously with this Petition. Exhibit KG-1 consists of (a) the Energy Conservation Cost Recovery True-Up Reporting Forms that 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 Rule 25-17.015(3), Florida Administrative Code, and (d) documentation necessary to support claimed energy savings in conservation advertising as required by Rule 25-17.015(5), Florida Administrative Code.

5. Rule 25-17.015, Florida Administrative Code, provides, in pertinent part, that 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 2005, that twelve-month period is January 1, 2004 through December 31, 2004; therefore, FPL’s true-up filing is for the twelve months January through December 2004.

6. FPL’s current ECCR Factor -- approved by the Commission to be applied to customers’ bills during the January through December 2005 period -- reflected an estimated/actual net true-up overrecovery of \$10,587,779 for the January through December 2004 period. However, the actual net true-up overrecovery for the January through December 2004 period was \$14,678,967. The adjusted net true-up of \$4,091,188 for the period January through December 2004 is the difference between the actual net true-up overrecovery for the January through December 2004 period of \$14,678,967 and FPL’s approved estimated/actual true-up overrecovery of \$ 10,587,779. This \$4,091,188 is the amount that should be refunded on jurisdictional sales during FPL’s next annual ECCR recovery period.

7. FPL is not aware of any disputed issues of material fact.

8. 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.”

9. The approval of FPL’s final adjusted ECCR net true-up overrecovery of \$4,091,188 for the period January through December 2004 is in the public interest. Section 366.82, Florida Statutes, and Rule 25-17.015, Florida Administrative Code, entitle FPL to relief.

WHEREFORE, FPL respectfully requests that the Commission approve an overrecovery of \$4,091,188 as the final adjusted net true-up amount for the January through December 2004

period, and that the approved final adjusted net true-up amount be carried over and reflected in FPL's next ECCR factors.

Respectfully submitted,

R. Wade Litchfield, Senior Attorney  
Natalie F. Smith, Esq.  
Florida Power & Light Company  
Law Department  
700 Universe Boulevard  
Juno Beach, FL 33408  
Tele: (561) 691-7100  
Fax: (561) 691-7135

Attorneys for Florida Power & Light Company

By:   
NATALIE F. SMITH

**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 along with the Testimony and Exhibits of Ken Getchell were served by hand delivery (when indicated with an \*) or mailed this 2<sup>nd</sup> day of May, 2005 to the following:

Martha Carter Brown\*  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Office of Public Counsel  
Harold McLean, Esq.  
Patricia Christensen, Esq.  
c/o The Florida Legislature  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Beggs & Lane Law Firm  
Jeffrey Stone/Russell Badders  
P.O. Box 12950  
Pensacola, FL 32591-2950

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

Hopping Law Firm  
Gary V. Perko, Esq.  
P.O. Box 6526  
Tallahassee, FL 32314

Florida Public Utilities Company  
Mr. Geoff Hartman  
P. O. Box 3395  
West Palm Beach, FL 33402-3395

Gulf Power Company  
Ms. Susan D. Ritenour  
One Energy Place  
Pensacola, FL 32520-0780

McWhirter Law Firm  
Tim Perry, Esq.  
117 S. Gadsden St.  
Tallahassee, FL 32301

Norman H. Horton, Jr./Floyd Self  
Messer Law Firm  
P.O. Box 1876  
Tallahassee, FL 32302-1876

Ausley Law Firm  
Lee Willis/James Beasley  
P.O. Box 391  
Tallahassee, FL 32302

Progress Energy Florida, Inc.  
James A. McGee  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

Tampa Electric Company  
Ms. Angela Llewellyn  
Regulatory Affairs  
P. O. Box 111  
Tampa, FL 33601-0111

By:

  
NATALIE F. SMITH