

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**PETITION TO RECOVER NATURAL GAS  
STORAGE PROJECT COSTS THROUGH  
FUEL COST RECOVERY CLAUSE, BY  
FLORIDA POWER & LIGHT COMPANY.**

---

**DOCKET NO. 060362-EI**

**ATTORNEY GENERAL'S COMMENTS REGARDING FLORIDA  
POWER & LIGHT'S REQUEST TO CHARGE THE CARRYING COSTS  
FOR STORED NATURAL GAS THROUGH THE FUEL CLAUSE**

CHARLES J. CRIST, JR., Attorney General, State of Florida, provides these comments for consideration by this Commission during their consideration of the Petition to Recover Natural Gas Storage Project costs through Fuel Cost Recovery Clause filed by Florida Power & Light Company (FPL).

While the Attorney General supports the efforts by FPL to procure additional gas storage capacity, such costs should not be passed along to FPL's customers in violation of the terms of the settlement entered with FPL in March of 2005. That agreement provided that FPL would not petition for any new surcharges to recover costs of a type that traditionally and historically would be recovered through base rates or are presently recovered through base rates, like the fuel inventory carrying costs at issue here. The PSC Staff Recommendation has made it clear that these carrying costs are traditionally and historically recovered through base rates. The staff affirmed this fact by changing the recovery from fuel adjustments to a base rate recovery after the expiration of the settlement. The analysis of the Office of the Public Counsel as to the historical and traditional recovery of such costs, together with the remainder of its comments, is adopted and included herein by the Attorney General.

To allow FPL to pass these costs along to their customers would not only violate the

terms of the settlement agreement but would be an injustice to the citizens of Florida this Commission is sworn to protect. The citizens of the state of Florida cannot afford to bear these costs which are prohibited by the settlement.

Wherefore, Attorney General Charles J. Crist, Jr. respectfully requests that this petition be denied.

Respectfully submitted,

CHARLES J. CRIST, JR.  
ATTORNEY GENERAL

s/ JACK SHREVE  
JACK SHREVE  
Florida Bar No. 73622  
Senior General Counsel

CECILIA BRADLEY  
Senior Assistant Attorney General  
Florida Bar No. 0363790

Office of the Attorney General  
The Capitol - PL01  
Tallahassee, FL 32399-1050  
(850) 414-3300  
Fax: (850) 488-4872

**DOCKET NO. 060362-EI**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by  
U.S. Mail to the following parties on this 29th day of August, 2006.

s/ JACK SHREVE

Jack Shreve

Lisa Bennett  
William Keating  
Florida Public Service Commission  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

R. Wade Litchfield  
Natalie Smith  
700 Universe Boulevard  
Juno Beach, FL 33408

Mr. Bill Walker  
Vice President, Regulatory Affairs  
Florida Power & Light Company  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301-1859

Timothy J. Perry, Esquire  
McWhirter Law Firm  
117 S. Gadsden Street  
Tallahassee, FL 32301

John W. McWhirter, Jr., Esquire  
McWhirter Law Firm  
400 North Tampa Street, Ste. 2450  
Tampa, FL 33602

Michael B. Twomey  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Robert Scheffel Wright, Esq.  
John T. LaVia, III, Esq.  
Young van Assenderp, P.A.  
225 South Adams St., Suite 200  
Tallahassee, FL 32301

Bill Feaster, Manager  
Regulatory Affairs  
Florida Power & Light Co.  
215 S. Monroe Street, Suite 810  
Tallahassee, FL 32301

Harold McLean, Public Counsel  
Charles J. Beck, Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330

John T. Butler, Esq.  
Florida Power & Light Company  
9250 West Flagler Street  
Miami, FL 33174