

Ruth Nettles

From: John W. McWhirter [jmcwhirter@mac-law.com]
Sent: Friday, October 05, 2007 5:21 PM
To: Filings@psc.state.fl.us
Subject: RE: Second CORRECTED FIPUG PREHEARING STATEMENT RE: 070007-EI to include /s
Attachments: FIPUG 2007 ecrc prehearing statement.doc

John W. McWhirter, Jr., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;

1. The filing is to be made in Docket 070007-EI, Environmental Cost Recovery
2. The filing is made on behalf of the Florida Industrial Power Users Group;
3. The total number of pages is 5; and
4. The attached document is the FIPUG's PREHEARING STATEMENT

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John W. McWhirter, Jr.
 McWhirter & Davidson, PA.
 400 N. Tampa St
 Suite 2450
 Tampa, FL 33602
 813.224.0866
 813.221.1854 FAX

From: Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]
Sent: Friday, October 05, 2007 4:04 PM
To: jmcwhirter@mac-law.com
Cc: Ruth Nettles; Kimberley Pena; Matilda Sanders
Subject: FW: CORRECTED FIPUG PREHEARING STATEMENT RE: 070007-EI

Mr. McWhirter,

The attached document you submitted does not meet the Commission's e-filing requirements. Please see e-filing requirements on our website (<http://www.psc.state.fl.us/dockets/e-filings/>), in particular:

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Please feel free to call if you have any questions.

DOCUMENT NUMBER-DATE

09181 OCT-05

10/8/2007

FPSC-COMMISSION CLERK

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FPSC
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From: John W. McWhirter [mailto:jmcwhirter@mac-law.com]
Sent: Friday, October 05, 2007 3:30 PM
To: Filings@psc.state.fl.us
Subject: CORRECTED FIPUG PREHEARING STATEMENT RE: 070007-EI

My last transmittal for docket 070007-EI mistakenly said that it was for the fuel adjustment clause. The document is the same, but the transmittal language is corrected

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400 N. Tampa St
Suite 2450
Tampa, FL 33602
813.224.0866
813.221.1854 FAX

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)
_____)

DOCKET NO. 070007-EI
DATED: October 5, 2007

FLORIDA INDUSTRIAL POWER USERS
PREHEARING STATEMENT

In compliance with order PSC-07-0174-PCO-EI, issued February 23, 2007 establishing the prehearing procedure in this docket, Florida Power & Light Company, ("FPL") hereby submits its Prehearing Statement.

A. APPEARANCES:

JOHN W. MCWHIRTER, JR., McWhirter & Davidson, P.A., 400 North Tampa Street, Suite 2450, Tampa, Florida 33601-3350,

On Behalf of the Florida Industrial Power Users Group.

B. WITNESSES:

None.

C. EXHIBITS:

None at this time. However, FIPUG reserves the right to utilize appropriate exhibits during cross-examination.

D. STATEMENT OF BASIC POSITION:

FIPUG'S basic position is that there should be no double recovery for costs that are already included in base rates for items that have been fully depreciated. Environmental costs should be rolled into base rates periodically when utilities have had no recent base rate cases and their ROE is exceeding the Commission authorized return. Capital expenditures should be allocated to customer classes in the same manner capital costs are allocated in base rate cases in order to prevent cross class subsidies.

E. STATEMENT OF ISSUES AND POSITIONS

ISSUE 1: What are the final environmental cost recovery true-up amounts for the period ending December 31, 2006?

DOCUMENT NUMBER-DATE

FIPUG: No position at this time

ISSUE 2: What are the estimated environmental cost recovery true-up amounts for the period January 2007 through December 2007?

FIPUG: No position at this time

ISSUE 3: What are the projected environmental cost recovery amounts for the period January 2008 through December 2008?

FIPUG: No position at this time

ISSUE 4: What are the environmental cost recovery amounts, including true-up amounts, for the period January 2008 through December 2008?

FIPUG: No position at this time

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total environmental cost recovery true-up amounts for the period January 2008 through December 2008?

FIPUG: No position at this time

ISSUE 6: What are the appropriate jurisdictional separation factors for the projected period January 2008 through December 2008?

FIPUG: No position at this time

ISSUE 7: What are the appropriate environmental cost recovery factors for the period January 2008 through December 2008 for each rate group?

FIPUG: No position at this time

ISSUE 8: What should be the effective date of the new environmental cost recovery factors for billing purposes?

FIPUG: No position at this time

COMPANY SPECIFIC ENVIRONMENTAL COST RECOVERY ISSUES

FPL

ISSUE 9A: Should the Commission approve FPL's request for recovery of its proposed St. Lucie Cooling Water System Inspection and Maintenance Project through the ECRC?

FIPUG: No position at this time

ISSUE 9B: How should the projected environmental costs for the St. Lucie Cooling Water System Inspection and Maintenance Project be allocated to the rate classes?

FIPUG: No position at this time

ISSUE 9C: Should the Commission approve FPL's request for recovery of its proposed Martin Plant Drinking Water System Compliance Project through the ECRC?

FIPUG: No position at this time

ISSUE 9D: How should the projected environmental costs for the Martin Plant Drinking Water System Compliance Project be allocated to the rate classes?

FIPUG: No position at this time

ISSUE 9E: Should the Commission approve FPL's request for recovery of its proposed Low Level Radioactive Waste Storage Project through the ECRC?

FIPUG: No position at this time

ISSUE 9F: How should the projected environmental costs for the Low Level Radioactive Waste Storage Project be allocated to the rate classes?

FIPUG: No position at this time

ISSUE 9G: Are the projected costs for FPL's Clean Air Interstate Rule (CAIR) and Clean Air Mercury Rule (CAMR) compliance projects that are reflected in FPL's March 30, 2007 supplemental filing reasonable and prudent?

FIPUG: No position at this time

PROGRESS ENERGY

ISSUE 10A: Are PEF's incurred costs with the Clean Air Interstate Rule ("CAIR")/Clean Air Mercury Rule ("CAMR") Program for the year 2007 reasonable and prudent?

FIPUG: No position at this time

ISSUE 10B: Are PEF's projected costs related to the CAIR/CAMR Program for the year 2008 reasonable and prudent?

FIPUG: No position at this time

ISSUE 10C: Should the Commission approve PEF's updated Integrated Clean Air Compliance Plan filed as a reasonable and prudent means to comply with the Clean Air Interstate Rule ("CAIR"), Clean Air Mercury Rule ("CAMR") and Clean Air Visibility Rule ("CAVR") and related regulatory requirements?

FIPUG: No position at this time

F. STATEMENT OF POLICY ISSUES AND POSITIONS

FIPUG: No position at this time

G. STIPULATED ISSUES

FIPUG: No position at this time

H. PENDING MOTIONS

FIPUG has no pending motions at this time.

I. PENDING REQUEST FOR CONFIDENTIALITY

FIPUG has no requests for confidentiality pending at this time.

J. OBJECTIONS TO A WITNESS' QUALIFICATION AS AN EXPERT

FIPUG: None at this time.

I. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE

There are no requirements of the Order Establishing Procedure with which FPL cannot comply.

CERTIFICATE OF SERVICE
Docket No. 070007-EI

I HEREBY CERTIFY that a true and correct copy of FIPUG's Prehearing Statement has been furnished electronically this 5th day of October, 2007 to the following:

Martha Brown, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

R. Wade Litchfield, Esq.
Vice President and
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420

/s/ John W. McWhirter, Jr.
John W. McWhirter, Jr.
Fl Bar # 53905
McWhirter Law Firm
Attorney for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
813.224.0866F
Fax 813.221.1854