

Matilda Sanders

PSC-08-0299 - DS-EU

From: Mary Diskerud  
Sent: Thursday, May 08, 2008 9:25 AM  
To: CLK - Orders / Notices  
Subject: Order / Notice Submitted

Date and Time: 5/8/2008 9:24:00 AM  
Docket Number: 080035-EU  
Filename / Path: 080035 GrantPetition.rcb.doc

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 00304-08		
DISTRIBUTION: _____		

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1 faxed  
0 mailed  
5 emailed

**FLORIDA PUBLIC SERVICE COMMISSION  
CASE MANAGEMENT SYSTEM  
PARTICIPATING EMAIL ADDRESSES FOR DOCKET 080035**

<b>PARTY NAME</b>	<b>COMPANY CODE</b>	<b>EMAIL ADDRESS</b>	<b>ADDRESS IN MASTER COMMISSION DIRECTORY</b>
Florida Power & Light Company (Juno08c)		wade_litchfield@fpl.com	No
Town of Jupiter Inlet Colony		jicolony@bellsouth.net	No
Town of Jupiter Island		cafalcone@comcast.net	No
Town of Palm Beach		Tbradford@TownofPalmBeach.com	No
Young Law Firm (08a)		swright@yvlaw.net	No

**Case Management System (CMS) - Docket View**

File Edit View Reports Window Options Help

Docket/Document/Order: 070729 Filter: All Open Dockets Key Word: Refresh Document View

**Docket 080035-EU**

File Edit View Help

Docket # / Count: 122 of 282

**DOCKET**

070670-T	
070673-E	
070675-T	
070680-V	
070683-T	
070685-T	
070691-T	
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070694-V	
070695-V	
070699-T	
070703-E	
070722-V	
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070740-S	
080000-C	

**General**

Parties or Filter Options

**Emails**

**Emailing Options**

Option 1: Emails Option 2: Faxes

Option 3: Envelopes

**Begin Faxing From 1 of 1**

Florida Power & Light Company (Tail08)

**File Attachments (Right-click an attachment to view the document)**

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Document ID / Order ID: 03814-08

Send Cancel Attachments

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**\*\*CLK OFFICIAL DOCUMENT...\*\***

**Kimberley Pena**

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**From:** Ann Cole  
**Sent:** Tuesday, March 18, 2008 9:11 AM  
**To:** Kimberley Pena  
**Cc:** Hong Wang  
**Subject:** FW: Item No. 4 - Language on Declaratory Request No. 4  
**Attachments:** Kummer.LetterAndResponse.pdf

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Consumer
DOCUMENT NO. 00304-08		
DISTRIBUTION:		



Kummer.Letter  
dResponse.pdf

Please print this email, along with its attachment, and place in the Correspondence File Docket No. 080035.

Thank you.

-----Original Message-----

**From:** Mary Bane  
**Sent:** Monday, March 17, 2008 4:57 PM  
**To:** Betty Ashby; Ann Cole  
**Subject:** FW: Item No. 4 - Language on Declaratory Request No. 4

for agenda

-----Original Message-----

**From:** Michael Cooke  
**Sent:** Monday, March 17, 2008 4:47 PM  
**To:** William C. Garner; Roberta Bass; Lorena Holley; Larry Harris; Bridget Groom  
**Cc:** Samantha Cibula; Mary Bane; Connie Kummer; Richard Bellak; Mary Anne Helton  
**Subject:** FW: Item No. 4 - Language on Declaratory Request No. 4

We received new language this afternoon from Shef Wright regarding one part of Item 4, Petition for Declaratory Statement. It is my understanding that staff needs additional time to investigate the impact of this information. It appears, however, upon initial review, to conflict with the undergirding rule. While the petitioner still wants a statement from the Commission on this portion of the Item, staff needs to further review it. The submittal effectively amends the original petition. As such, I think we could act on the remaining portions of the petition while deferring this portion of it and that probably is the better way to proceed on this tomorrow. Please let me know if you have any questions.

-----Original Message-----

**From:** Samantha Cibula  
**Sent:** Monday, March 17, 2008 3:47 PM  
**To:** Michael Cooke; Mary Anne Helton  
**Subject:** Item No. 4 - Language on Declaratory Request No. 4

FYI... Please see below the paragraph that the Towns and FPL has purportedly agreed to re: Declaratory Request No. 4 which appears on page 8 of the recommendation. Shef claims a declaratory statement is still necessary on

**\*\*CLK OFFICIAL DOCUMENT...\*\*b>**

Request No. 4 because he wants to know whether the Commission agrees with the language.

-----Original Message-----

From: Richard Bellak  
Sent: Monday, March 17, 2008 2:50 PM  
To: Samantha Cibula  
Subject: FW: Language on Declaratory Request No. 4

fyi

-----Original Message-----

From: Schef Wright [mailto:swright@yvlaw.net]  
Sent: Monday, March 17, 2008 1:48 PM  
To: Richard Bellak  
Cc: CAFalcone@comcast.net  
Subject: Language on Declaratory Request No. 4

Hi, Richard -

Here is the language that FPL suggested, and with which we are okay, regarding our Declaratory Request No. 4.

If an applicant performs some or all of the construction and installation work and, as a result, the amount owed to the utility by the applicant is less than the amount of credits against CIAC to which the applicant is entitled by this rule, nothing in the rule prevents or limits the authority of the utility to pay said surplus to the applicant and to include the amount of the payment in rate base as Plant in Service.

I also want to let you know that, although this is exogenous to the declaratory statement per se, we are expecting written confirmation from FPL that FPL will in fact pay us the credits are due where those credits exceed the amount that we would otherwise owe to FPL. This is the understanding that we had based on my exchange of correspondence with Connie in late December and early January (copies attached).

Thanks very much, and all the best, Schef Wright

# YOUNG VAN ASSENDERP, P.A.

ATTORNEYS AT LAW

Attorneys:

Tasha O. Buford  
David S. Dee  
Ronald A. Labasky  
John T. LaVia, III  
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Kenza van Assenderp  
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Roy C. Young

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Post Office Box 1833  
(ZIP 32302-1833)  
Tallahassee, Florida 32301

Telephone (850) 222-7206  
Telecopier (850) 561-6834

Of Counsel Attorneys:

Daniel H. Cox  
David B. Erwin  
Joseph W. Landers, Jr.

George Ann C. Bracko  
Executive Director

December 11, 2007

Connie S. Kummer  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Dear Connie,

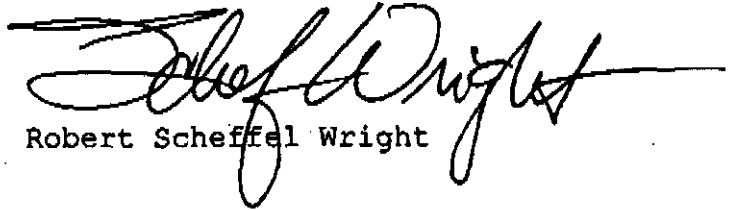
I hope that this letter finds you well. In catching up on my undergrounding work, I am writing today to confirm our telephone conversation of November 16, 2007.

Earlier, I had asked you to inquire as to the Public Service Commission Staff's position regarding credits that would apply if a city or town were to do all of the construction and installation work for an underground conversion project. In our conversation on November 16, you advised me that, after conferring with other members of the Staff and also with FPL representatives, it was your (and FPL's) position that a city or town would contribute the completed UG facilities to FPL and would in turn receive back a check from FPL equal to the sum of the cost of the equivalent overhead facilities plus the applicable Governmental Adjustment Factor Waiver credit. The final amount would, of course, be subject to debits to the municipality for the Net Book Value of any overhead facilities removed and for the cost of removing the existing overhead facilities, if the removal work was performed by FPL, and subject to a credit for the salvage value of any removed facilities.

I will sincerely appreciate your confirming back to me that my understanding is correct.

Thank you again very much for looking into this issue. If you have any questions, please call me any time.

Cordially yours,

A handwritten signature in cursive script, appearing to read "Robert Scheffel Wright". The signature is written in black ink and is positioned above the typed name.

Robert Scheffel Wright

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
MATTHEW M. CARTER II  
KATRINA J. MCMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

## Public Service Commission

January 8, 2008

Mr. Scheffel Wright  
Attorney At Law  
Young Van Assenderp, P.A.  
225 South Adams Street  
Suite 200  
P.O. Box 1833  
Tallahassee, Florida 32302

Dear Schef:

Based on our discussions with representatives of Florida Power & Light (FP&L), your letter correctly captures my understanding of what credits a customer would receive if the customer contributed a completed underground system and turned those facilities over to the utility. Assuming the construction met all FP&L standards, and that all other costs were properly accounted for and recovered, the customer would be entitled to a check for the cost of equivalent overhead facilities, plus the Governmental Adjustment Factor, as shown in the FPL binding estimate, at the time the facilities were accepted by FP&L.

Please be advised that this represents staff's understanding only. It does not represent a formal Commission opinion. If you wish a formal opinion on this matter, you may file a formal petition with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee FL 32399-0850. The formal petition must be filed pursuant to the provisions of Chapter 120, Florida Statutes, and the Uniform rule of Administrative Procedure found in Chapter 28-106, Florida Administrative Code.

Sincerely,

A handwritten signature in cursive script that reads "Connie S. Kummer".

Connie S. Kummer  
Bureau Chief  
Bureau of Certification, Economics & Tariffs

CSK:kb

Cc: Natalie Smith, Florida Power & Light Company



COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

Public Service Commission

**ADMINISTRATIVE**

January 11, 2008

Robert Scheffel Wright, Esquire  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, Florida 32301

**Re: Docket No. 080035-EU**

Dear Mr. Wright:

This will acknowledge receipt of a petition for declaratory statement concerning rights under Rule 25-6.115, F.A.C. by Town of Palm Beach, Town of Jupiter Island, and Town of Jupiter Inlet Colony, which was filed in this office on January 10, 2008, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Office of Commission Clerk

DOCUMENT NUMBER - DATE  
00304 JAN 11 08  
FPSC-COMMISSION CLERK

Section 1 - Office of Commission Clerk

Docket No. 080035-EU Date Docketed: 01/10/2008 Title: Petition for declaratory statement concerning rights under Rule 25-6.115, F.A.C. by Town of Palm Beach, Town of Jupiter Island, and Town of Jupiter Inlet Colony

Company: Town of Jupiter Inlet Colony  
Town of Jupiter Island  
Town of Palm Beach

FPSC, CLK - CORRESPONDENCE		
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. <u>06304-08</u>		
DISTRIBUTION: _____		

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:

ADM	CLK	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
			X	X				

("C)" indicates OPR)

Section 2 - OPR Completes and returns to CLK in 10 workdays. Time Schedule

Program Module A12(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

Current CASR revision level

Due Dates

Previous Current

	1.			
	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
Staff Counsel	8.			
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OCRs	10.			
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Recommended assignments for hearing and/or deciding this case:	30.			
	31.			
Full Commission ___ Commission Panel ___	32.			
Hearing Examiner ___ Staff ___	33.			
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	35.			
Date filed with CLK: _____	36.			
	37.			
Initials OPR _____	38.			
Staff Counsel _____	39.			
	40.			

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
 Date: \_\_\_\_\_

Section 1 - Office of Commission Clerk

Docket No. 080035-EU Date Docketed: 01/10/2008 Title: Petition for declaratory statement concerning rights under Rule 25-6.115, F.A.C. by Town of Palm Beach, Town of Jupiter Island, and Town of Jupiter Inlet Colony

Company: Town of Jupiter Inlet Colony  
Town of Jupiter Island  
Town of Palm Beach

Official Filing Date: \_\_\_\_\_

Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM CLK CMP ECR (GCL) PIF RCA SCR SGA

(\*O) indicates OPR

Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A12(a)

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

R Bellak, R Gervasi

Current CASR revision level

Due Dates  
 Previous Current

Staff Counsel

R Bellak, R Gervasi

OCRs (ECR)

C Kummer

Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel \_\_\_  
 Hearing Examiner \_\_\_ Staff \_\_\_

Date filed with CLK: 01/18/2008

Initials OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

1.	FAW Notice Filed	NONE	01/22/2008
2.	Notice to JAPC	NONE	01/23/2008
3.	Staff Recommendation	NONE	03/06/2008
4.	Agenda	NONE	03/18/2008
5.	Standard Order	NONE	04/02/2008
6.	FAW Notice of Disposition Filed	NONE	04/08/2008
7.	Notice to JAPC	NONE	04/08/2008
8.	Close Docket	NONE	04/16/2008
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		
X							

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	
					X

Where panels are assigned the senior Commissioner is Panel Chairman:  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: CT/Am  
 Date: 01/18/2008

Section 1 - Office of Commission Clerk

Docket No. 080035-EU Date Docketed: 01/10/2008 Title: Petition for declaratory statement concerning rights under Rule 25-6.115, F.A.C. by Town of Palm Beach, Town of Jupiter Island, and Town of Jupiter Inlet Colony.

Company: Town of Jupiter Inlet Colony  
Town of Jupiter Island  
Town of Palm Beach

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

ADM CLK CMP ECR (GCL) PIF RCA SCR SGA

("O" indicates OPR)

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Section 2 - OPR Completes and returns to CLK in 10 workdays.

Time Schedule

Program Module A12(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff	Staff Assignments	1 <input type="checkbox"/> Current CASR revision level	Due Dates	
			Previous	Current
	<u>R Bellak, R Gervasi</u>			
		1. <u>Notice to JAPC</u>	<u>SAME</u>	<u>01/23/2008</u>
		2. <u>Notice to JAPC</u>	<u>04/08/2008</u>	<u>05/27/2008</u>
		3. <u>FAW Notice of Disposition</u>	<u>04/08/2008</u>	<u>05/27/2008</u>
		4. <u>Close Docket</u>	<u>04/16/2008</u>	<u>06/03/2008</u>
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<u>Staff Counsel</u>	<u>R Bellak, R Gervasi</u>	8. _____		
		9. _____		
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<u>OCRs (ECR)</u>	<u>C Kummer</u>	11. _____		
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		40. _____		

Recommended assignments for hearing and/or deciding this case:

Full Commission  Commission Panel   
 Hearing Examiner  Staff

Date filed with CLK: 04/11/2008

Initials OPR \_\_\_\_\_

Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	CT	ED	MM	AG	SK		
X							

Prehearing Officer

Commissioners					ADM
CT	ED	MM	AG	SK	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: CJT/hw

Date: 04/11/2008