

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of replacement fuel costs associated with the February 26, 2008 outage on Florida Power & Light's electrical system. | DOCKET NO. 090505-EI  
| DATED: FEBRUARY 17, 2010

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0854-PCO-EI, filed December 30, 2009, the Staff of the Florida Public Service Commission files its Prehearing Statement.

- a. All Known Witnesses – Staff does not intend to call any witnesses.
- b. All Known Exhibits – Staff intends to enter a composite exhibit into the record. Staff reserves the right to identify exhibits for purposes of cross-examination at the hearing.
- c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

- d. Staff's Position on the Issues

**ISSUE 1:** How should the replacement power costs attributable to the February 26, 2008 outage be measured, and what is the amount of such costs?

**POSITION:** No position at this time.

**ISSUE 2:** What is the appropriate method to credit customers for the replacement power costs determined pursuant to Issue 1?

**POSITION:** No position at this time.

- e. Stipulated Issues – The parties stipulated and the Commission approved an agreement that FPL would bear the cost of replacement power attributable to the Flagami Transmission Event, subject to the conditions listed in the Proposed Resolution of Issues, dated December 4, 2009, and approved by the Commission at its January 26, 2010 Agenda Conference.

- f. Pending Motions – Staff has no pending motions.

- g. Pending Confidentiality Claims or Requests – Staff has no pending confidentiality claims or requests.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

h. Objections to Witness Qualifications as an Expert – Staff has no objections to any witness’s qualifications as an expert in this proceeding.

i. Compliance with Order No.PSC-09-0854-PCO-EI - Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 17th day of February, 2010.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of STAFF'S PREHEARING STATEMENT has been served by electronic mail and by U. S. mail to John T. Butler, Mitchell S. Ross and R. Wade Litchfield of Florida Power & Light Company, and that a true copy thereof has been furnished to the following by U. S. mail this 17th day of February, 2010:

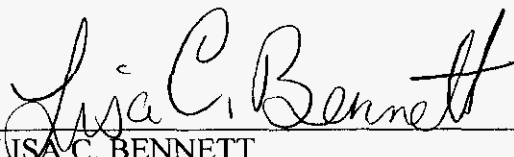
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