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May 2, 2012

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**-VIA HAND DELIVERY -**

Ms. Ann Cole, Director  
 Division of the Commission Clerk and Administrative Services  
 Florida Public Service Commission  
 2540 Shumard Oak Blvd.  
 Tallahassee, FL 32399-0850

**Re: Docket No. 120002-EG**

Dear Ms. Cole:

I am enclosing for filing in the above docket the following:

1. The original and seven (7) copies of Florida Power & Light Company's ("FPL") Petition for Approval of Conservation Cost Recovery True-Up for the Period January 2011 through December 2011. **DN 02795-12**
2. The original and fifteen (15) copies of the prefiled testimony and exhibits of FPL witnesses Terry J. Keith and Anita Sharma in support of the foregoing Petition. **DN 02796-12**
3. The original and seven (7) copies of FPL's Request for Confidential Classification of Portion of Schedule CT-6 to Exhibit AS-1 of the pre-filed testimony of Anita Sharma and Terry Keith. The original includes Exhibits A, B, C and D. Exhibit A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Exhibit A is submitted for filing separately and marked "**EXHIBIT A**"-**CONFIDENTIAL**. Exhibit B is an edited version of Exhibit A, in which the information FPL asserts is confidential has been redacted. Exhibit C contains FPL's justification for its request for confidential classification, and Exhibit D is the affidavit of Anita Sharma. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Exhibit A pending disposition of FPL's Request for Confidential Classification. **DN 02797-12**

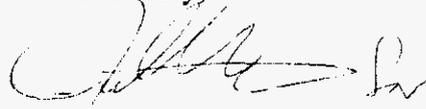
Also included herewith is a CD containing electronic files of FPL's Petition for Approval of Conservation Cost Recovery True-Up, FPL's Request for Confidential Classification of Portion of Schedule CT-6 and Exhibit C.

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR 5+CD  
 GCL \_\_\_\_\_  
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If there are any questions regarding this transmittal, please contact me at 561-691-2512

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Rubin', written over a horizontal line.

Kenneth M. Rubin

Enclosure

cc: Counsel for Parties of Record (w/encl.)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

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**)**

**Docket No. 120002-EG**  
**Filed: May 2, 2012**

**FLORIDA POWER & LIGHT COMPANY’S PETITION FOR APPROVAL OF  
ENERGY CONSERVATION COST RECOVERY TRUE-UP FOR THE PERIOD  
JANUARY 2011 THROUGH DECEMBER 2011**

Pursuant to Order No. PSC-11-0531-FOF-EG, issued on November 15, 2011 in Docket No. 110002-EG, Florida Power & Light Company (“FPL”) petitions the Florida Public Service Commission (“Commission”) for approval of an over-recovery of \$8,586,294 as FPL’s net true-up amount for the January 2011 through December 2011 Energy Conservation Cost Recovery (“ECCR”) final true-up period. In support of this Petition, FPL states as follows:

1. 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.

2. FPL seeks Commission approval of an over-recovery of \$8,586,294 as the net true-up amount for the period January 2011 through December 2011. FPL’s final net true-up for January 2011 through December 2011 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

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calculation and the supporting documentation are contained in Exhibit AS-1, an exhibit co-sponsored by witnesses Anita Sharma and Terry J. Keith whose testimonies are being filed contemporaneously with this Petition. Exhibit AS-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 ECCR 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.

3. 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 2012, that twelve-month period is January 1, 2011 through December 31, 2011; therefore, FPL's true-up filing is for the twelve month period from January 2011 through December 2011.

4. FPL's current ECCR factor, approved by the Commission to be applied to customers' bills during the January 2012 through December 2012 period, reflected an actual/estimated true-up under-recovery of \$59,083,450 for the January 2011 through December 2011 period. However, the actual end of period true-up under-recovery for the January 2011 through December 2011 period was \$50,497,156. The net true-up over-recovery of \$8,586,294 for the period January 2011 through December 2011 is the difference between the actual end of period true-up under-recovery for the January 2011 through December 2011 period of

\$50,497,156 and FPL's approved actual/estimated true-up under-recovery of \$59,083,450. This \$8,586,294 over-recovery is the amount that should be recovered on jurisdictional sales during FPL's next annual ECCR recovery period.

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

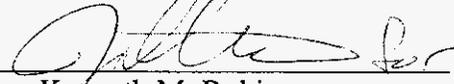
6. This is a petition requesting approval of a true-up amount for ECCR; it is not a petition in response to an agency action. Therefore, FPL cannot provide "a statement of when and how the petitioner received notice of the agency decision."

7. The approval of FPL's final ECCR net true-up over-recovery of \$8,586,294 for the period January 2011 through December 2011 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 over-recovery of \$8,586,294 as the final net true-up amount for the January 2011 through December 2011 period, and that the approved final net true-up amount be carried over and reflected in FPL's 2013 ECCR factors.

Respectfully submitted,

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By: 

Kenneth M. Rubin  
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## CERTIFICATE OF SERVICE

Docket No. 120002-EG

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 Exhibit of Anita Sharma and Terry J. Keith were served by hand delivery (\*) or mailed this 2<sup>rd</sup> day of May, 2012 to the following:

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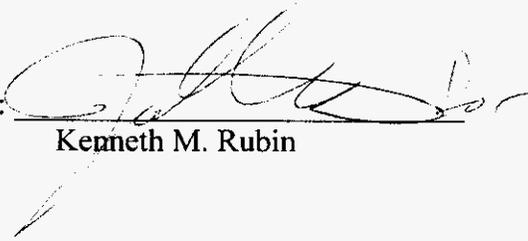
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