

STEEL
HECTOR
DAVIS

ORIGINAL
Steel Hector & Davis
215 South Monroe, Suite 600
Tallahassee, Florida 32301-1804
904.222.2300
904.222.8410 Fax

June 30, 1998

Charles A. Guyton
904.222.3423

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

By Hand Delivery

RECEIVED-FPSC
JUN 30 PM 2:32
RECORDS AND REPORTING

**Re: Petition for Approval of True-Up
Amount in Docket No. 980002-EG**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") in Docket No. 980002-EG are the original and ten copies of Florida Power & Light Company's Petition For Approval of True-Up Amount.

If you or your staff have any questions regarding this transmittal, please contact me at 222-2300.

Very truly yours,

Charles A. Guyton
Charles A. Guyton

RECEIVED & FILED
[Signature]
FPSC BUREAU OF RECORDS

- WCK _____
- WFA Vander
- APP _____
- DAF _____
- DMU _____ Enc.
- DTR _____ cc: Counsel for all parties of record
- EAC _____
- LEC 1 TAJ/25254-1
- LIN 3
- OPR _____
- RIT _____
- SC 1
- WAS _____
- OT4 _____

Miami
305.577.7000
305.577.7001 Fax

West Palm Beach
561.650.7200
561.655.1509 Fax

Key West
305.292.7272
305.292.7271 Fax

DOCUMENT CONTROL UNIT
06871 JUN 30 98
RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Energy Conservation Cost Recovery)
Clause)

Docket No. 980002-EG
Filed: June 30, 1998

**FLORIDA POWER & LIGHT COMPANY'S
PETITION FOR APPROVAL OF TRUE-UP AMOUNT**

Florida Power & Light Company ("FPL") hereby petitions the Florida Public Service Commission ("Commission") for approval of an underrecovery of \$1,389,882 as FPL's adjusted net true-up amount for the October 1997 through March 1998 Energy Conservation Cost Recovery ("ECCR") period. In support of this Petition, FPL states:

1. The name and address of the petitioner is:

Florida Power & Light Company
9250 West Flagler Avenue
Miami, Florida 33174

Notices, orders, pleadings and correspondence to be served upon FPL in this proceeding should be directed to:

Charles A. Guyton, Esquire
Steel Hector & Davis LLP
Suite 601, 215 S. Monroe St.
Tallahassee, Florida 32301

William G. Walker, III
Vice President, Regulatory Affairs
9250 West Flagler Avenue
Miami, Florida 33174

2. Florida Power & Light Company is a public utility subject to the Commission's jurisdiction pursuant to Chapter 366, Florida Statutes. Pursuant to Section 366.82, Florida Statutes, and Florida Administrative Code Rule 25-17.015, 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.

3. FPL seeks Commission approval of an adjusted net true-up for the period October 1997 through March 1998 of an underrecovery of \$1,389,882. FPL's adjusted net true-up for October 1997 through March 1998 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 calculation and the supporting documentation are contained in Exhibit LMB-1, an exhibit attached to the prepared testimony of FPL's witness Leonor M. Busto, which is being filed contemporaneously with this Petition. Exhibit LMB-1 consists of (a) the Energy Conservation Cost Recovery True-Up Reporting Forms which 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 conservation cost recovery 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 Florida Administrative Code Rule 25-17.015(5).

4. In November 1997 the Commission amended Rule 25-17.015, Florida Administrative Code. Under the amended rule, 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 April 1 through March 31 that ends prior to the annual ECCR proceedings." For the proceedings scheduled for the first quarter of 1999, that twelve month period would be April 1, 1997 through March 31, 1998, because the twelve month period ending March 31, 1999 would not yet be ended. However, the current ECCR factors approved for FPL already include the a final true-up for the period April through September

1997, the first half of the true-up period contemplated in Rule 25-17.015. When Rule 25-17.015 was amended in November of 1997 to reflect the new April through March recovery and true-up periods, no arrangement was made for the transition from the then existing recovery periods to the new annual periods. Consequently, to make the transition from the final true-up period underlying the current ECCR factors, FPL is filing a final true-up for the six month period from October 1997 through March 1998. This avoids repeating a final true-up for the period April 1997 through September 1997, a period already subject to a final true-up.

5. FPL's current ECCR Factor -- approved by the Commission to be applied to customers' bills during the April 1998 through March 1999 period -- reflected an estimated/actual true-up overrecovery of \$33,756 for the October 1997 through March 1998 period. However, the actual net underrecovery for the October 1997 through March 1998 period was \$1,356,129. The difference between the actual net underrecovery for the October 1997 through March 1998 period of \$1,356,129 and FPL's approved estimated/actual overrecovery of \$33,756 results in an adjusted net true-up of an underrecovery of \$1,389,882 for the period October 1997 through March 1998. This is the amount which should be collected on jurisdictional sales during FPL's next annual ECCR recovery period.

6. On June 11, 1998 FPL filed with the Commission a Petition for Waiver of Rule 25-17.015(1), F.A.C. In FPL's rule waiver petition FPL asked the Commission to waive Rule 25-27.015(1), Florida Administrative Code and permit FPL to have an ECCR factor for calendar year 1999 rather than the year April 1999 through March 2000. FPL requested that the Commission use a final true-up period in the calculation of FPL's calendar year 1999 ECCR factor of October 1997 through March 1998. Thus, FPL's requested final true-up for the period October 1997 through

March 1998 in this petition not only accomplishes a necessary transition in the implementation of the November 1997 amendment to Rule 25-17.015, but also is consistent with the relief sought by FPL in FPL's rule waiver petition.

WHEREFORE, FPL respectfully requests the Commission to approve the underrecovery of \$1,389,882 as the adjusted net true-up amount for the October 1997 through March 1998 period, which is to be carried over and collected in FPL's next ECCR factors.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301
(904) 222-2300

Attorneys for Florida
Power & Light Company

By: 
Charles A. Guyton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of True-Up Amount was served by Hand Delivery (when indicated with an *) or mailed this 30th day of June, 1998 to the following:

Robert V. Elias, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building, Room 370
Tallahassee, Florida 32399-0850

Lee L. Willis, Esquire *
James D. Beasley, Esquire
Ausley Law Firm
227 South Calhoun Street
Tallahassee, Florida 32302

Jeffrey A. Stone, Esquire
G. Edison Holland, Esquire
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32576-2950

Joseph A. McGlothlin, Esquire *
Vicki Gordon Kaufman, Esquire
McWhirter, Reeves, et al.
117 South Gadsden Street
Tallahassee, Florida 32301

John W. McWhirter, Jr., Esquire
McWhirter, Reeves, et al.
Post Office Box 3350
Tampa, Florida 33601

Jack Shreve, Esquire *
Roger Howe, Esquire
Office of Public Counsel
111 West Madison Street
Room 812
Tallahassee, Florida 32399

Kenneth A. Hoffman, Esquire *
Rutledge, Fecenia, Underwood,
Purnell & Hoffman
Post Office Box 551
Tallahassee, Florida 32302-0551

Norman Horton, Jr., Esquire *
Messer, Caparello, et al.
215 South Monroe Street, Suite 701
Tallahassee, Florida 32301

Kenneth Gatlin, Esquire *
Wayne L. Schiefelbein, Esquire
Gatlin, Schiefelbein & Cowdery, P.A.
3301 Thomasville Road, Suite 300
Tallahassee, Florida 32312

Debbie Stitt
Energy Conservation Analyst
St. Joe Natural Gas Company
Post Office Drawer 549
Port St. Joe, Florida 32456

James A. McGee, Esquire
Florida Power Corporation
Post Office Box 14042
St. Petersburg, Florida 33733

Michael Palecki, Esquire
City Gas Company of Florida
955 East 25th Street
Hialeah, Florida 33013-3498

Colette Powers
Indiantown Gas Company
Post Office Box 8
Indiantown, Florida 34956-0008

Peter Martin
South Florida Natural Gas Company
101 NW 202 Terrace
Post Office Box 69000-J
Miami, Florida 33269-0078

Legal Environmental Assistance
Foundation, Inc.*
Gail Kamaras, Esquire
1114-E Thomasville Road
Tallahassee, Florida 32303-6290

Mollie Lampi
Pace University Energy Project
122 South Swan Street
Albany, New York 12110

Sebring Gas System, Inc.
3515 highway 27 South
Sebring, Florida 33870-5452

Stuart L. Shoaf
St. Joe Natural Gas Company, Inc.
Post Office Box 549
Port St. Joe, Florida 32457-0549

Ansley Watson, Jr., Esquire
Macfarlane, Ferguson & McMullen
P.O. Box 1531
Tampa, Florida 33602


Charles A. Guyton

TAL/25213-1