



JACK SHREVE  
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STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
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October 25, 1999

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

ORIGINAL

RECORDS AND  
REPORTING

99 OCT 25 PM 3:51

RECEIVED-FPSC

RE: Docket No. 990002-EG

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of the Prehearing Statement of the Office of Public Counsel in the above-referenced docket.

Also enclosed is a 3.5 inch diskette containing the Prehearing Statement of the Office of Public Counsel in WordPerfect for Windows 6.1. Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Burgess  
Deputy Public Counsel

- AFA 1
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG 1
- LEG 3
- MAS 3
- OPC \_\_\_\_\_ SCB/dsb
- PAI \_\_\_\_\_
- SEC 1
- WAW \_\_\_\_\_ Enclosures
- OTH \_\_\_\_\_

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

13100 OCT 25 99

FPSC-BUREAU OF RECORDS

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Conservation Cost Recovery )  
Factor. )  
\_\_\_\_\_)

DOCKET NO. 990002-EG  
FILED: October 25, 1999

PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through their attorney, the Public Counsel, hereby file this Prehearing Statement to identify all of the issues of which the Citizens are aware.

APPEARANCES:

STEPHEN C. BURGESS, Esquire  
Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, Florida 32399-1400  
On behalf of the Citizens of the State of Florida.

A. WITNESSES:

None.

B. EXHIBITS:

None.

C. STATEMENT OF BASIC POSITION

None at this time.

D. STATEMENT OF FACTUAL ISSUES AND POSITIONS

Generic Conservation Cost Recovery Clause Issues

ISSUE 1: What is the final end-of-the-period true-up amount for the period April 1, 1998 through December 31, 1998?

OPC: No position at this time.

DOCUMENT NUMBER-DATE  
13100 OCT 25 1999  
FLORIDA PUBLIC SERVICE COMMISSION

ISSUE 2: What are the appropriate conservation cost recovery factors for the period January 1, 1999 through December 31, 1999?

OPC: No position at this time.

ISSUE 3: What is the final end-of-period true-up amount for the period April 1, 1998, through March 31, 1999?

OPC: No position at this time.

### Company Specific Issues

#### **Florida Power & Light Company**

ISSUE 4: Should Florida Power & Light be allowed to recover \$2,423,945 of litigation expenses that were charged to the Cogeneration and Small Power Production Program through the Energy Conservation Cost Recovery Clause for the period ending December 31, 1998?

OPC: Agree with Staff.

#### **Gulf Power Company**

ISSUE 5: What is GPC's appropriate end of period over (under) recovery for the previous Conservation filing for October 1997 to March 1998?

OPC: No position at this time.

ISSUE 6: What adjustments should be made to GPC's April 1998 to December 1998 over(under) recovery and 1999 actual/estimated true-up period in the 2000 projections for errors GPC made in the 1999 Projections Filing (Docket No. 990002-EG)?

OPC: Agree with Staff.

ISSUE 7: Should GPC be allowed to recover fees paid for the conversion of gas to electric hot water heaters through the ECCR?

OPC: Agree with Staff

ISSUE 8: What are the appropriate legal fees that GPC should be allowed to charge to ECCR?

OPC: Agree with Staff.

E. STATEMENT OF LEGAL ISSUES AND POSITIONS: None at this time.

F. STATEMENT OF POLICY ISSUES AND POSITIONS: None at this time.

G. STIPULATED ISSUES: None.

H. PENDING MOTIONS: None.

I. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Respectfully submitted,

JACK SHREVE  
Public Counsel



Stephen C. Burgess  
Deputy Public Counsel

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Attorneys for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 990002-EG**

I HEREBY CERTIFY that a true and correct copy of the PREHEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL has been furnished by \*hand-delivery or by U.S. Mail to the following parties on this 25th day of October, 1999.

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