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Matthew M. Childs, P.A.

August 15, 2001

- VIA HAND DELIVERY -

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, FL 32399

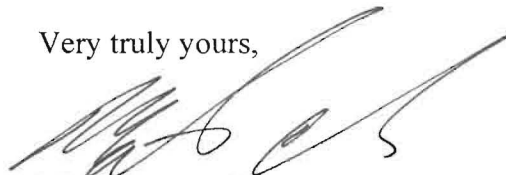
011088-ET

RE: PETITION FOR A WAIVER OF RULE 25-6.0436

Dear Ms. Bayó:

Enclosed for filing please find the original and fifteen (15) of Florida Power & Light Company's Petition for a Waiver of Rule 25-6.0436

Very truly yours,



Matthew M. Childs, P.A.

MMC/gc

Enclosures
cc: Jack Shreve

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FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10030 AUG 15 2001

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Florida Power & Light Company)
for a waiver of Rule 25-6.0436, F.A.C. as)
to the filing of Depreciation Study.)
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Docket No. 011088-EI

Filed: August 15, 2001

PETITION FOR A WAIVER OF RULE 25-6.0436

Pursuant to Section 120.542, Florida Statutes (1999) and Rules 28-104.002 and 25-6.0436, Florida Administrative Code, Florida Power & Light Company ("FPL") hereby petitions for a waiver of Rule 25-6.0436, Florida Administrative Code. FPL petitions for a conditional waiver of the depreciation study filing requirement set forth in paragraph 8(a) of Rule 25-6.0436 as modified by Order No. PSC-01-1144-PAA-EI and entered in Docket No. 010261-EI on May 21, 2001. By this request for a conditional waiver, FPL requests that the time for filing its depreciation study be extended from April 30, 2002, until April 30, 2003, and its fossil dismantlement studies within a year thereafter. For the reasons stated herein requiring FPL to file the depreciation study under the current schedule would create a financial hardship and would violate principles of fairness.

In support of this Petition, FPL states as follows:

1. The Petitioner's name, address, telephone number and facsimile number are

Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174
(305) 552-4790 (Telephone)
(305) 552-2031 (Facsimile)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

2. All pleadings, notices, staff recommendations, orders or other documents required to be served, filed by any party or issued by the Commission in this proceeding shall be forwarded to the following individuals:

W.G. Walker, III
Vice President, Regulatory Affairs Dept.
Florida Power & Light Company
215 South Monroe Street
Suite 800
Tallahassee, Florida 32301-1859
(850) 224-7517 (Telephone)
(850) 224-7197 (Facsimile)

Matthew M. Childs, P.A.
Steel Hector & Davis LLP
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301
(850) 222-2300 (Telephone)
(850) 222-8410 (Facsimile)

3. As a consequence of Commission Order No. PSC-01-1144-PAA-EI, FPL is required to file its next depreciation study no later than April 30, 2002. This order granted a waiver to the filing deadline for depreciation studies imposed by Rule 25-6.0436(8)(a), Florida Administrative Code.

4. Subsequent to the waiver authorized by Order No. PSC-01-1144-PAA-EI, the Commission entered Order No. PSC-01-1346-PCO-EI requiring the filing of Minimum Filing Requirements (MFRs) based on a 2002 projected test year. It is possible that after the filing of these MFRs by October 15, 2001, that additional discovery and hearings will occur.

5. A significant portion of the MFR's will be prepared by the same individuals responsible for preparing the depreciation studies. The MFR preparation is in addition to normal work activities and, therefore, FPL does not maintain staffing for this activity. FPL has hired an outside firm to assist in the MFR preparation in order to meet the established filing dates, but FPL still cannot complete a comprehensive depreciation study by April 30,

2002. The only alternative would be for FPL to hire another outside firm to perform the comprehensive depreciation studies. This approach would have several drawbacks including costs and consistency in the method used to prepare the studies. In the event an early settlement is reached in the pending MFR filing, FPL may be in a position to file its depreciation and dismantlement studies earlier than the dates requested above. This possibility could be addressed as part of a settlement agreement. FPL submits that these circumstances illustrate the substantial hardship that exist absent the waiver requested and principles of fairness that support extending the filing time herein requested.

6. The waiver of Rule 25-6.0436 satisfies the requirements of Section 120.542(2), Florida Statutes, and serves the purposes of the statutes underlying that rule. Rule 25-6.0436, Florida Administrative Code, implements Florida Statutes, Sections 350.115 and 366.06(1). As applicable, Section 350.115 authorizes the Commission to "... approve or establish adequate, fair and reasonable depreciation rates and charges." Section 366.06(1) authorizes the Commission to "investigate and determine the actual legitimate costs of the property of each utility company, actually used and useful in the public service, and to keep a current record of the net investment of each public utility company and such property which value, as determined by the Commission, shall be used for ratemaking purposes and shall be the money honestly and prudently invested by the public utility company in such property used and useful in serving the public, less accrued depreciation and shall not include any goodwill or going concern value or franchise value in excess of the payment made therefor."

7. The waiver now sought by FPL serves the purposes of the underlying statutes by providing the data required as necessary to meet the requirements of the Rule

on a cost effective and consistent basis. The granting of the waiver would allow for a more economic and cost effective filing of the depreciation study mandated by the Rule and would recognize the impact of the current substantial workload associated with the MFR preparation and potential subsequent developments in that docket.

8. FPL is seeking the granting of a waiver on a temporary basis only. Subsequent filings by FPL would, absent other circumstances not presently anticipated, be made on a four year basis as called for by the depreciation rule.

WHEREFORE, FPL respectfully request that:

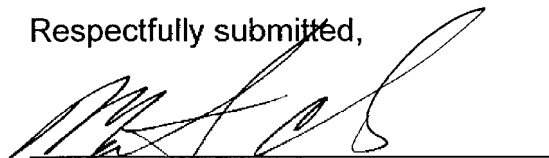
A. A waiver of the requirements of Rule 25-6.0436(8)(a), Florida Administrative Code, as modified by Order No. PSC-01-1144-PAA-EI be granted and,

B. FPL be authorized to file a depreciation study in compliance with Rule 25-6.0436(6) no later than April 30, 2003.

C. FPL be authorized to file its fossil dismantlement studies no later than April 30, 2004.

D. Order, in the granting of the waiver, that FPL comply with the four-year reporting requirement of Rule 25-6.0436(8)(a), Florida Administrative Code, in all future years.

Respectfully submitted,



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Tallahassee, Florida 32301
(850) 222-2300 (Telephone)
(850) 222-8410 (Facsimile)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Petition for a Waiver of Rule 25-6.0436 has been furnished by hand delivery, this 15th day of August 2001, to the following:

Wm. Cochran Keating, IV, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd, Room 370
Tallahassee, Florida 32399

By: 

MATTHEW M. CHILDS, P.A.