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305.577.7001 Fax  
www.steelhector.com

November 20, 2001

**-VIA HAND DELIVERY-**

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

John T. Butler, P.A.  
305.577.2939  
jbutler@steelhector.com

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CLERK

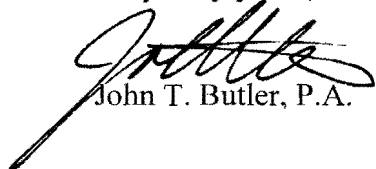
**Re: Docket No. 001148-EI**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company in the above docket are the original and seven copies of Florida Power & Light Company's Response to Office of Public Counsel's Motion Asking Prehearing Officer to Reject FPL's November 9, 2001, MFR Filing, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 98, and the word processing software in which the document appears is Word 97.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Very truly yours,



John T. Butler, P.A.

cc: Counsel for Parties of Record

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMF \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- EGR \_\_\_\_\_
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FPL accelerated its normal financial forecasting process in order to comply with the MFR filing schedule established in Order No. PSC-01-1535-PCO-EI. It completed the financial forecast in June 2001 and then undertook the intensive process of generating MFRs from that forecast. The required MFRs were filed in accordance with the Commission's filing schedule.

Less than a week before the first-phase MFRs were filed, the September 11 terrorist attacks occurred. The repercussions of those attacks, coupled with unexpected deterioration of the U.S. economy in the months since FPL had completed its financial forecast, led FPL to begin reexamining its sales forecast at almost exactly the same time as it filed the first-phase MFRs. FPL advised the Commission in the transmittal letter for the first-phase MFRs that "FPL is continuing to reevaluate its 2002 sales forecast to determine the impact of these national and world events, and will advise the [Commission] of any material changes in forecast data." Neither OPC nor any other party objected to FPL's proposal to update the Commission on material changes. A copy of FPL's September 17, 2001, transmittal letter is attached hereto as Exhibit 1.

By the time FPL filed the second-phase MFRs, it had completed a preliminary reevaluation of the sales forecast. Because of the time constraints of the filing schedule, FPL could not carry the implications of the sales forecast revisions through to all of the affected MFRs, but rather adjusted three summary-level MFRs that were included in the filing. FPL also advised the Commission in the transmittal letter for this second-phase MFR filing that it was "still in the process of quantifying these impacts [of recent events] and hence has not adjusted the O&M and other costs reflected in any of the MFRs, ... , but will provide such adjustments as soon as possible." Again, neither OPC nor any other party objected to FPL's proposal to provide

adjustments to O&M and other costs to the Commission as soon as possible. A copy of FPL's October 1, 2001, transmittal letter is attached hereto as Exhibit 2.

When FPL made its third-phase MFR filing, it carried forward the revision to the sales forecast into certain of the cost-of-service MFRs. FPL was not yet in a position, however, to adjust O&M and other costs to reflect the recent events and again advised the Commission that it would "provide this information to the Commission as soon as possible." Once again, neither OPC nor any other party objected to FPL's proposal. A copy of FPL's October 15, 2001, transmittal letter is attached hereto as Exhibit 3.

On October 24, 2001, the Commission issued the Order Establishing Procedure that is referenced in the OPC MFR Motion (Order No. PSC-01-2111-PCO-EI). That order essentially ratified the existing MFR filing schedule, as all three MFR deadlines had passed by the time the order was issued. FPL had complied with each of the MFR deadlines and certainly had no reason to seek reconsideration of the order's recitation of those deadlines.

On November 9, 2001, FPL filed a package containing eleven of the previously-filed MFRs, which had been revised to reflect the following factors: (i) the revisions to FPL's sale forecast, (ii) impacts on forecasted costs and expenses because the assumptions and inputs used in FPL's forecasts have been affected by the economic deterioration and the September 11 tragedies, (iii) impacts on forecasted costs and expenses because of other significant changes to assumptions and inputs that have come to FPL's attention since the forecasts were prepared in June 2001, and (iv) anticipated changes to FPL's fuel adjustment charges for 2002. These revised MFRs contained precisely the updated information which FPL advised the Commission

in its October 1 and 15, 2001, transmittal letter that it would be providing as soon as possible. A copy of the November 9, 2001, transmittal letter is attached hereto as Exhibit 4.

FPL provided the revised MFRs less than a month after the MFR filing was complete, and less than two months after the September 11 terrorist attacks. No one could reasonably expect FPL to have identified and quantified the required revisions in less time.

From the foregoing, it is apparent that FPL has in no respect violated or deviated from the Commission's established schedule for filing MFRs. Rather, FPL provided the Commission, on the most expedited basis possible, important updates to the MFRs in response to unprecedented events that occurred since the forecasts underlying the MFRs were originally prepared. In doing so, FPL is merely responding to the long-standing Commission expectation that it be provided with the most up-to-date information available for use in evaluating a utility's rates.

OPC's suggestion that it is somehow disadvantaged by not receiving the revised MFRs until November 9 is simply implausible. Under the schedule set forth in the Order Establishing Procedure, OPC will have until February 11, 2002, to prepare testimony in this docket. By that time, OPC will have had access to the revised MFRs for over three months. While all parties to a complex proceeding such as this (including FPL) would benefit from more time to prepare, three months can hardly be characterized as insufficient. Moreover, in the response to OPC's motion for reconsideration that FPL filed last week, FPL has offered to revise the testimony-filing schedule to give OPC ten more days in which to prepare testimony. No further schedule relief for OPC is warranted.

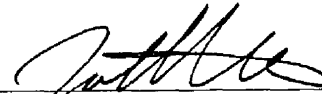
WHEREFORE, FPL requests that the OPC MFR Motion be denied.

Respectfully submitted,

R. Wade Litchfield, Esq.  
Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: 561-691-7101

Steel Hector & Davis LLP  
Attorneys for Florida Power & Light Company  
200 South Biscayne Boulevard  
Suite 4000  
Miami, Florida 33131-2398  
Telephone: 305-577-2939

By: \_\_\_\_\_



John T. Butler, P.A.  
Fla. Bar No. 283479

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery (\*) or United States Mail this 20<sup>th</sup> day of November, 2001, to the following:

Robert V. Elias, Esq. \*  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group  
c/o John McWhirter, Jr., Esq.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

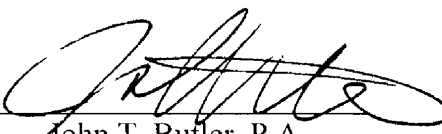
Thomas A. Cloud, Esq.  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Suite 1400  
Orlando, Florida 32801

J. Roger Howe, Esq.  
Office of Public Counsel  
c/o Florida Legislature  
111 W. Madison Street  
Room No. 812  
Tallahassee, Florida 32399-1400

Michael B. Twomey, Esq.  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Andrews & Kurth Law Firm  
Mark Sundback/Kenneth Wiseman  
1701 Pennsylvania Ave., NW, Suite  
300 Washington, DC 20006

Joseph A. McGlothlin, Esq.  
Vicki Gordon Kaufman, Esq.  
McWhirter Reeves  
117 South Gadsden  
Tallahassee, Florida 32301

By:   
John T. Butler, P.A.

# EXHIBIT 1

STEEL  
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Steel Hector & Davis LLP  
200 South Biscayne Boulevard  
Miami, Florida 33131-2398  
305.577.7000  
305.577.7001 Fax  
www.steelhector.com

September 17, 2001

**-VIA HAND DELIVERY-**

Ms. Blanca S. Bayó  
Director of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

John T. Butler, P.A.  
305.577.2838  
jbutler@steelhector.com

RECEIVED-FPSC  
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COMMISSION  
CLERK

Re: Docket No. 001148-EI

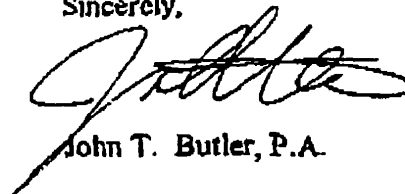
Dear Ms. Bayó:

On behalf of Florida Power & Light Company (FPL) and in compliance with Order No. PSC-01-1535-PCO-EI, I am enclosing for filing in the above docket twenty-one (21) copies of the following MFRs: E-13 (part 1 - explanation of development of COS factors only), F-1 through F-14, and F-17. Please note that MFRs being provided for year 2000 historical data are identified on the MFR as "x Historical Test Year."

Please also note that FPL is presently reevaluating its sales forecast, the results of which affect some of the enclosed MFRs as well as many of those to be filed subsequently. In order to comply with the Commission's timetable for filing MFRs, FPL's sales forecast for 2002 was prepared in May 2001, using the best information available at that time (as discussed in MFR F-9). In the past few months, however, the U.S. economy has experienced some unexpected deterioration. In addition, the recent tragedies in New York and Washington may have economic and other consequences that could affect FPL's sales forecast in ways that cannot yet be determined. FPL is continuing to reevaluate its 2002 sales forecast to determine the impact of these national and world events, and will advise the FPSC of any material changes in forecasted data.

In the event that any party in this docket needs to identify the person(s) responsible for a subject covered by the enclosed MFRs, they should contact Steve Romig of FPL at 305-552-4519.

Sincerely,



John T. Butler, P.A.

Enclosures

cc: Counsel of record (w/copy of enclosures)

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San Paulo Rio de Janeiro Santa Domingo



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of FPL's MFRs E-13 (part 1- explanation of development of COS factors only), F-1 through F-14, and F-17 were served by hand delivery (\*) or mailed this 17<sup>th</sup> day of September 2001 to the following:

Robert V. Elias, Esquire\*  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399

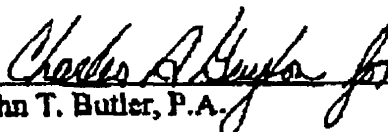
Thomas A. Cloud, Esq.  
Gray, Harris & Robinson, P.A.  
301 East Pine Street  
Suite 1400  
Orlando, FL 32802-3068

Michael B. Twomey, Esq.  
P. O. Box 5256  
Tallahassee, FL 32314-5256

John McWhirter, Jr., Esq.  
Florida Industrial Power Users Group  
McWhirter Reeves  
400 North Tampa Street  
Suite 2450  
Tampa, FL 33601-3350

Roger Howe, Esq.  
Office of Public Counsel  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399

Mark Sundback and Kenneth Wiseman  
Andrews & Kurth  
1701 Pennsylvania Avenue N.W.  
Suite 300  
Washington, D.C. 20006

By:   
John T. Butler, P.A.

# EXHIBIT 2

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www.steelhector.com

October 1, 2001

**-VIA HAND DELIVERY-**

Ms. Blanca S. Bayó  
Director of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
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COMMISSION  
CLERK

**Re: Docket No. 001148-EI**

Dear Ms. Bayó:

On behalf of Florida Power & Light Company ("FPL") and in compliance with Order No. PSC-01-1535-PCO-EI, I am enclosing for filing in the above docket twenty-one (21) copies of the MFRs listed on Attachment 1 hereto. FPL is not filing testimony at this time. It is not presently proposing to change rates, and it is not aware of the issues that need to be addressed in this docket.

As noted in my transmittal letter for the MFRs that were filed on September 17, 2001, FPL has been reevaluating its sales forecast in light of (i) unexpected deterioration over the past few months in the U.S. economy, and (ii) the economic and other consequences of the September 11, 2001, tragedies. Based on this reevaluation, FPL expects its sales forecast to be significantly impacted, and has estimated the impacts on aggregate sales for 2002. It is not feasible at this time for FPL to reflect these changes in all of the MFRs that would be affected. However, FPL has adjusted three summary-level MFRs that are contained in this filing (MFRs B-3, C-2 and D-1). Additional detail regarding these changes is provided in Attachment 2.

FPL expects that these recent events also will affect its costs in 2002 and beyond. For example, security costs for FPL's nuclear plants and transmission facilities are likely to increase substantially in response to the threat of further terrorism. Certain of FPL's insurance costs are expected to increase dramatically as well. The economic deterioration may increase FPL's collection expenses and level of uncollectibles. At this time, FPL is still in the process of quantifying these impacts and hence has not adjusted the O&M or other costs reflected in any of the MFRs, including MFRs B-3, C-2 and D-1, but will provide such adjustments as soon as possible.

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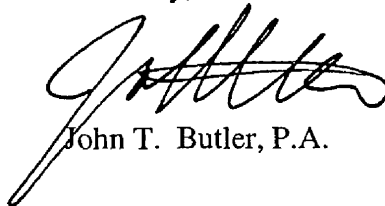
FPSC-BUREAU OF RECORDS

Ms. Blanca S. Bayó  
October 1, 2001  
Page 2

Finally, FPL would like to draw the Commission's attention in reviewing the MFRs to the Company's strong performance over the past decade in controlling costs while achieving significant improvements in operational performance. I am enclosing as Attachment 3 a brief summary that FPL has prepared of the preliminary results of its "benchmarking" analysis, in which FPL is compared to a group of peer utilities on several measures of electricity price, cost of service and operational performance. As reflected in Attachment 3, FPL is among the top performers relative to its industry peers in all of these important measures.

As with the September 17, 2001, MFR filing, any party in this docket that needs to identify the person(s) responsible for a subject covered by the enclosed MFRs should contact Steve Romig of FPL at 305-552-4519.

Sincerely,



John T. Butler, P.A.

Enclosures

cc: Counsel of record (w/copy of enclosures)

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Attachments 1, 2 and 3, and the FPL MFRs listed on Attachment 1, were served by hand delivery (\*) or mailed this 1<sup>st</sup> day of October 2001 to the following:

Robert V. Elias, Esquire. \*  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group  
c/o John McWhirter, Jr., Esq.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

Thomas A. Cloud, Esquire  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Suite 1400  
Orlando, Florida 32802-3068

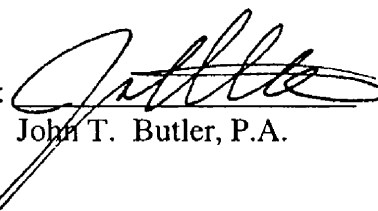
J. Roger Howe, Esquire  
Office of Public Counsel  
c/o Florida Legislature  
111 W. Madison Street  
Room No. 812  
Tallahassee, Florida 32399-1400

Michael B. Twomey, Esq.  
Post Office Box 5256  
Tallahassee, FL 32314-5256

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Mark Sundback/Kenneth Wiseman  
1701 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20006

Joseph A. McGlothlin, Esq.  
Vicki Gordon Kaufman, Esq.  
McWhirter Reeves  
117 South Gadsden  
Tallahassee, Florida 32301

By:



John T. Butler, P.A.

# EXHIBIT 3

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October 15, 2001

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**-VIA HAND DELIVERY-**

Ms. Blanca S. Bayó  
Director of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: Docket No. 001148-EI**

Dear Ms. Bayó:

On behalf of Florida Power & Light Company ("FPL") and in compliance with Order No. PSC-01-1535-PCO-EI, I am enclosing for filing in the above docket twenty-one (21) copies of the MFRs listed on Attachment 1 hereto. Two of the enclosed MFRs are revisions to ones filed on October 1, 2001: MFR C-33, on which certain required information has been added that was not available in time for the October 1 filing; and MFR C-53, on which a minor typographical error in the headings for columns 3 and 4 has been corrected.

As noted in my transmittal letter for the MFRs that were filed on October 1, 2001, FPL is reevaluating its sales forecast in light of (i) unexpected deterioration over the past few months in the U.S. economy, and (ii) the economic and other consequences of the September 11, 2001, tragedies. FPL adjusted three summary-level MFRs that were contained in the October 1 filing (MFRs B-3, C-2 and D-1) to reflect the preliminary revisions to the sales forecast. In this filing, summary-level adjustments have been made to the total test year investment, revenues and/or expenses on several of the enclosed MFRs to be consistent with MFRs B-3, C-2 and D-1. Those are MFRs E-1, E-3a, E-5a, E-5b, E-6a, E-6b, E-7, E-8a, E-9 and E-16a. FPL is still in the process of quantifying the impacts of the adjustment to the sales forecast as well as the impact on various MFRs, and will provide this information to the Commission as soon as possible.

Because FPL is not proposing to change rates at this time, it has not incorporated into its MFRs any company adjustments to the test-year results. Please note, however, that FPL has identified in footnotes to certain of the enclosed and previously-filed MFRs examples of adjustments that FPL believes could be appropriate if changes to rates were subsequently proposed. Among the potential adjustments is inclusion of the incremental costs that FPL anticipates would result from participating in a regional transmission organization ("RTO") such as GridFlorida. Those

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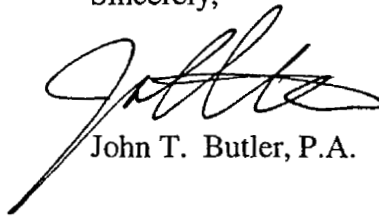
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■ D A V I S  
REGISTERED LIMITED LIABILITY PARTNERSHIP

Ms. Blanca S. Bayó  
October 15, 2001  
Page 2

incremental costs are currently estimated to be approximately \$60 million annually, which would properly be included in any base rate determination if no adjustment-clause mechanism were available for their recovery.

As with the earlier MFR filings, any party in this docket that needs to identify the person(s) responsible for a subject covered by the enclosed MFRs should contact Steve Romig of FPL at 305-552-4519.

Sincerely,



John T. Butler, P.A.

Enclosures

cc: Counsel of record (w/copy of enclosures)



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of Attachment 1 and the MFRs listed on Attachment 1 were served by hand delivery (\*) or mailed this 15<sup>th</sup> day of October 2001 to the following:

Robert V. Elias, Esquire. \*  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group  
c/o John McWhirter, Jr., Esq.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

Thomas A. Cloud, Esquire  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Suite 1400  
Orlando, Florida 32802-3068

J. Roger Howe, Esquire  
Office of Public Counsel  
c/o Florida Legislature  
111 W. Madison Street  
Room No. 812  
Tallahassee, Florida 32399-1400

Michael B. Twomey, Esq.  
Post Office Box 5256  
Tallahassee, FL 32314-5256

Andrews & Kurth Law Firm  
Mark Sundback/Kenneth Wiseman  
1701 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20006

Joseph A. McGlothlin, Esq.  
Vicki Gordon Kaufman, Esq.  
McWhirter Reeves  
117 South Gadsden  
Tallahassee, Florida 32301

By: 

John T. Butler, P.A.

# EXHIBIT 4

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November 9, 2001

John T. Butler, P.A.  
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jbutler@steelhector.com

**-VIA HAND DELIVERY-**

Ms. Blanca S. Bayó  
Director of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED: FPSC  
01 NOV -9 PM 3:57  
COMMISSION  
CLERK

**Re: Docket No. 001148-EI**

Dear Ms. Bayó:

In compliance with Order No. PSC-01-1535-PCO-EI, Florida Power & Light Company ("FPL") filed MFRs on September 17, October 1 and October 15, 2001. Those MFRs were based upon forecasts that FPL had prepared in June 2001 in order to complete the MFRs by the filing deadlines prescribed by the Commission. As noted in my October 1 and 15 transmittal letters, FPL reevaluated its sales forecast in light of (i) unexpected deterioration over the past few months in the U.S. economy, and (ii) the economic and other consequences of the September 11, 2001, tragedies. FPL adjusted the following MFRs that were filed on October 1 and October 15, to reflect FPL's preliminary revisions to the sales forecast: MFRs B-3, C-2, D-1, E-1, E-3a, E-5a, E-5b, E-6a, E-6b, E-7, E-8a, E-9 and E-16a. It also identified changes to the assumptions on MFR F-17 resulting from the preliminary sales forecast revisions (see Attachment 2 to the October 1 transmittal letter). At the time FPL filed the October 1 and 15 MFRs, FPL was still in the process of quantifying other impacts from the above factors. FPL committed in the transmittal letters to provide the results of its review to the Commission as soon as possible.

I am enclosing for filing in the above docket twenty-one (21) copies of the following MFRs, which have been adjusted based on FPL's review: MFRs A-2, A-9, A-10, A-12a, A-12b, B-3, B-10, C-2, C-59, D-1 and F-17. The adjustments to the enclosed MFRs reflect several factors: (i) the aforementioned revisions to FPL's sale forecast, (ii) impacts on forecasted costs and expenses because the assumptions and inputs used in FPL's forecasts have been affected by the economic deterioration and the September 11 tragedies, (iii) impacts on forecasted costs and expenses because of other significant changes to assumptions and inputs that have come to FPL's attention since the forecasts were prepared in June 2001, and (iv) anticipated changes to FPL's fuel adjustment charges for 2002. While the adjustments made to the enclosed MFRs could affect certain other MFRs, FPL believes that the enclosed MFRs adequately capture and portray the impacts on the 2002 test year

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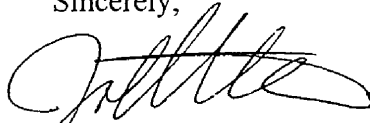
Ms. Blanca S. Bayó  
November 9, 2001  
Page 2

of the changes FPL identified in its review. Also enclosed as Attachment 1 is a summary of the impacts on FPL's 2002 O&M expense and capital expenditures budgets.

As before, FPL has not incorporated into the enclosed MFRs any company adjustments to the test-year results because it is not proposing to change rates at this time. The footnotes to the enclosed MFR A-2 identify examples of adjustments that FPL believes could be appropriate if changes to rates were subsequently proposed.

As with the earlier MFR filings, any party in this docket that needs to identify the person(s) responsible for a subject covered by the enclosed MFRs should contact Steve Romig of FPL at 305-552-4519.

Sincerely,



John T. Butler, P.A.

Enclosures

cc: Counsel of record (w/copy of enclosures)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the adjusted MFRs listed above and Attachment 1 were served by hand delivery (\*) or mailed this 9<sup>th</sup> day of November 2001 to the following:

Robert V. Elias, Esq.  
Legal Division  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

Florida Industrial Power Users Group  
c/o John McWhirter, Jr., Esq.  
McWhirter Reeves  
400 North Tampa Street, Suite 2450  
Tampa, FL 33601-3350

Thomas A. Cloud, Esq.  
Gray, Harris & Robinson, P.A.  
301 East Pine Street, Suite 1400  
Orlando, Florida 32801

J. Roger Howe, Esq.  
Office of Public Counsel  
c/o Florida Legislature  
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