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May 15, 2003

VIA HAND DELIVERY

Blanca S. Bayó, Director
Division of the Commission Clerk &
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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COMMISSION
CLERK

Re: Petition for Approval of True-Up Amount
Docket No. 030002-EG

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of True-Up Amount, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows 2000, and the word processing software in which the document appears is Word 2000.

Also enclosed for filing are the original and fifteen (15) copies of the Testimony and Exhibits of Ken Getchell. **04359-03**

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

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 030002-EG

Filed: May 15, 2003

**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 overrecovery of \$4,243,101 as FPL's adjusted net true-up amount for the January through December 2002 Energy Conservation Cost Recovery ("ECCR") final true-up period. In support of this Petition, FPL states:

1. The name and address of the affected agency are:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

2. The name, address and telephone number of the petitioner are:

Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174
(305) 552-4981

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
Suite 810, 215 S. Monroe St
Tallahassee Florida 32301

3. 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 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.

4. FPL seeks Commission approval of a final adjusted net true-up for the period January through December 2002 of an overrecovery of \$4,243,101. FPL's final adjusted net true-up for January through December 2002 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 KG-1, an exhibit attached to the prepared testimony of FPL's witness Ken Getchell, which is being filed contemporaneously with this Petition. Exhibit KG-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 Florida Administrative Code Rule 25-17.015(3), and (d) documentation necessary to support claimed energy savings in conservation advertising as required by Florida Administrative Code Rule 25-17.015(5).

5. Florida Administrative Code Rule 25-17.015 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 2003, that twelve month period is January 1, 2002 through December 31, 2002; therefore, FPL’s true-up filing is for the twelve months January through December 2002.

6. FPL’s current ECCR Factor -- approved by the Commission to be applied to customers’ bills during the January through December 2003 period -- reflected an estimated/actual true-up overrecovery of \$3,609,829 for the January through December 2002 period. However, the actual net true-up overrecovery for the January through December 2002 period was \$7,852,926. The difference between the actual net true-up overrecovery for the January through December 2002 period of \$7,852,926 and FPL’s approved estimated/actual true-up overrecovery of \$3,609,829 results in an adjusted net true-up of an overrecovery of \$4,243,101 for the period January through December 2002. This is the amount which should be refunded on jurisdictional sales during FPL’s next annual ECCR recovery period.

7. FPL is not aware of any disputed issues of material facts.

8. 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.”

9. The approval of FPL’s final adjusted ECCR net true-up overrecovery of \$4,243,101 for the period January through December 2002 is in the public interest and should be made. Section 366.82, Florida Statutes, and Florida Administrative Code Rule 25-17.015 entitle FPL to relief.

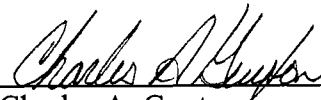
WHEREFORE, FPL respectfully requests the Commission approve an overrecovery of \$4,243,101 as the final adjusted net true-up amount for the January through December 2002 period,

and that the approved final adjusted net true-up amount be carried over and reflected in FPL's next ECCR factors.

Respectfully submitted,

STEEL HECTOR & DAVIS LLP
215 South Monroe Street
Suite 601
Tallahassee, Florida 32301
(850) 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 along with the Testimony and Exhibits of Ken Getchell were served by hand delivery (when indicated with an *) or mailed this 15th day of May, 2003 to the following:

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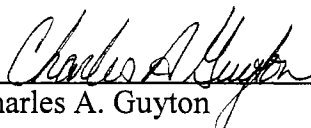
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