



Natalie F. Smith
 Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 691-7207
 (561) 691-7135 (Facsimile)

ORIGINAL

May 3, 2004

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
 Division of the Commission Clerk and
 Administrative Services
 Florida Public Service Commission
 Betty Easley Conference Center
 2540 Shumard Oak Boulevard, Room 110
 Tallahassee, FL 32399-0850

RECEIVED: FPSC
 MAY -3 PM 1:27
 COMMISSION
 CLERK

Re: Petition for Approval of True-Up Amount
 Docket No. 040002-EG

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are the original and seven (7) copies of FPL'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 97 SR-2.

Also enclosed for filing are the original and fifteen (15) copies of the Testimony and Exhibits of Ken Getchell. 05061-04

Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

Natalie F. Smith

- CMP _____
- COM 5 (+1 orig + ty for Ct. Rpr.)
- CTR _____
- ECR ty
- GCL 1 ty
- OPC _____
- MMS _____
- RCA 1 ty
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DOCUMENT NUMBER-DATE

05060 MAY-3 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 040002-EG

Filed: May 3, 2004

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

Pursuant to Order No. PSC-04-0290-PCO-EG, Florida Power & Light Company ("FPL") petitions the Florida Public Service Commission ("Commission") for approval of an overrecovery of \$4,698,364 as FPL's adjusted net true-up amount for the January through December 2003 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:

William G. Walker, III
Florida Power & Light Company
215 South Monroe Street
Suite 810
Tallahassee, Florida 32301
(850) 521-3910 Telephone
(850) 521-3939 Facsimile

R. Wade Litchfield, Senior Attorney
Natalie F. Smith, Esq.
Attorneys for Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
(561) 691-7100 Telephone
(561) 691-7135 Facsimile

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 an overrecovery of \$4,698,364 as the adjusted net true-up amount for the period January through December 2003. FPL's final adjusted net true-up for January through December 2003 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 that 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 2004, that twelve month period is January 1, 2003 through December 31, 2003; therefore, FPL's true-up filing is for the twelve months January through December 2003.

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 net true-up overrecovery of \$20,719,771 for the January through December 2003 period. However, the actual net true-up overrecovery for the January through December 2003 period was \$25,418,131. The adjusted net true-up of \$4,698,364 for the period January through December 2003 is the difference between the actual net true-up overrecovery for the January through December 2003 period of \$25,418,131 and FPL's approved estimated/actual true-up overrecovery of \$20,719,771. This \$4,698,364 is the amount that 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 fact.

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 \$4,698,364 for the period January through December 2003 is in the public interest. Section 366.82, Florida Statutes, and Florida Administrative Code Rule 25-17.015 entitle FPL to relief.

WHEREFORE, FPL respectfully requests that the Commission approve an overrecovery of \$4,698,364 as the final adjusted net true-up amount for the January through December 2003 period, and that the approved final adjusted net true-up amount be carried over and reflected in FPL's next ECCR factors.

Respectfully submitted,

R. Wade Litchfield, Senior Attorney
Natalie F. Smith, Esq.
Florida Power & Light Company
Law Department
700 Universe Boulevard
Juno Beach, FL 33408
Tele: (561) 691-7100
Fax: (561) 691-7135

Attorneys for Florida Power & Light Company

By: *Natalie F. Smith*
NATALIE F. SMITH

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 3rd day of May, 2004 to the following:

Martha Carter Brown*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Ausley Law Firm
Lee Willis/James Beasley
P.O. Box 391
Tallahassee, FL 32302

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders
P.O. Box 12950
Pensacola, FL 32591-2950

Florida Industrial Power Users Group
c/o John W. McWhirter, Jr.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Public Utilities Company
Michael A. Peacock
P. O. Box 610
Marianna, FL 32446

Florida Public Utilities Company (WPB)
Robert L. Smith
P. O. Box 3395
West Palm Beach, FL 33402-3395

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780

McWhirter Law Firm
Joseph McGlothlin/Vicki Kaufman
117 S. Gadsden St.
Tallahassee, FL 32301

Messer Law Firm
Norman H. Horton, Jr.
P.O. Box 1876
Tallahassee, FL 32302-1876

Office of Public Counsel
Rob Vandiver
c/o The Florida Legislature
111 W. Madison St., #812
Tallahassee, FL 32399-1400

Progress Energy Florida, Inc.
Ms. Bonnie E. Davis
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

Progress Energy Florida, Inc. (St.
Petersburg)
James A. McGee
P.O. Box 14042
St. Petersburg, FL 33733-4042

Tampa Electric Company
Ms. Angela Llewellyn
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

By: Natalie F. Smith
NATALIE F. SMITH