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August 3, 2004

**-VIA OVERNIGHT DELIVERY -**

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

04 AUG -04 AM 10:50  
COMMISSION  
CLERK  
J.T.C. FREDERICKSON/STEWART DOBSON CENTER

**Re: Docket No. 040007-EI**

Dear Ms. Bayó:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of the Environmental Cost Recovery Estimated/Actual True-Up for the Period January 2004 Through December 2004, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, 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 prefiled testimony and exhibit of Florida Power & Light Company witness K. M. Dubin.

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

Sincerely,

*Damaris Rodriguez for JT Butler*

John T. Butler

Enclosures

cc: Counsel for Parties of Record (w/encl.)

MIA2001 227885v1

Miami West Palm Beach Tallahassee Naples Key West London Caracas São Paulo

DOCUMENT NUMBER-DATE

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Rio de Janeiro Santo Domingo

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**IN RE: Environmental Cost                    )  
Recovery Clause                                )**

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**Docket No. 040007-EI  
Filed August 4, 2004**

**PETITION FOR APPROVAL OF THE ENVIRONMENTAL  
COST RECOVERY ESTIMATED/ACTUAL TRUE-UP FOR  
THE PERIOD JANUARY 2004 THROUGH DECEMBER 2004**

Florida Power & Light Company (“FPL”) pursuant to Order No. PSC-93-1580-FOF-EI, hereby petitions this Commission to approve the calculation of its Environmental Cost Recovery (“ECR”) Estimated/Actual True-up underrecovery of \$103,793 for the period January 2004 through December 2004. In support of this Petition, FPL incorporates the prepared written testimony and exhibit of K. M. Dubin and states:

1. Section 366.8255 of the Florida Statutes, which became effective on April 13, 1993, authorizes the Commission to review and approve the recovery of prudently incurred Environmental Compliance Costs.

2. Order PSC-99-2513-FOF-EI issued on December 22, 1999, requires utilities to file their current period estimated/actual true-ups at least 90 days prior to the ECR clause hearing. The hearing in this docket is scheduled to commence on November 8, 2004, which is more than 90 days after the filing of this petition.

3. FPL submits for recovery the Estimated/Actual True-up underrecovery of \$103,793 for the period January 2004 through December 2004, as set forth in the testimony and exhibit of Ms. Dubin. Pursuant to Order PSC-02-1735-FOF-EI, FPL has

included actual costs for the period January through June 2004 and revised estimates for the period July through December 2004.

4. The calculation of the ECR Estimated/Actual True-up amount for the period January 2004 through December 2004 is contained in Commission Schedules 42-IE through 42-8E which are attached as Appendix I to Ms. Dubin's testimony.

WHEREFORE, FPL respectfully requests the Commission to approve the Environmental Cost Recovery Estimated/Actual True-up amount requested herein for the period January 2004 through December 2004.

R. Wade Litchfield, Esq.  
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Respectfully submitted,

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By: Damaris Rodriguez for JT Butler  
John T. Butler, Esq.  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 040007-EI**

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of the Environmental Cost Recovery Estimated/Actual True-Up for the Period January 2004 Through December 2004 has been furnished by overnight delivery or U.S. Mail this 3rd day of August, 2004 to the following:

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