

MEMORANDUM

AUGUST 23, 2004

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (KEATING) *WCK*

RE: DOCKET NO. 030623-EI - COMPLAINTS BY OCEAN PROPERTIES, LTD., J.C. PENNEY CORP., TARGET STORES, INC., AND DILLARD'S DEPARTMENT STORES, INC. AGAINST FLORIDA POWER & LIGHT COMPANY CONCERNING THERMAL DEMAND METER ERROR.

Attached is STAFF'S PREHEARING STATEMENT to be filed in the above-referenced docket. (Number of pages in statement - 3)

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DOCUMENT NUMBER-DATE
09197 AUG 23 8
FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaints by Ocean Properties, Ltd.,
J.C. Penney Corp., Target Stores, Inc., and
Dillard's Department Stores, Inc. against
Florida Power & Light Company concerning
thermal demand meter error.

DOCKET NO. 030623-EI

FILED: AUGUST 23, 2004

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-04-0581-PCO-EI, issued June 9, 2004, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Sidney W. Matlock

b. All Known Exhibits

SWM-1 Thermal Demand Meters Included in Protest of Order No. PSC-03-1320-PAA-EU

SWM-2 Demand Meter Test Data and Interpolations

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: Pursuant to Rule 25-6.052, Florida Administrative Code, what is the appropriate method of testing the accuracy of the thermal demand meters subject to this docket?

POSITION: No position pending evidence adduced at hearing.

ISSUE 2: Pursuant to Rules 25-6.058 and 25-6.103, Florida Administrative Code, what is the appropriate method of calculating customer refunds for those thermal meters which test outside the prescribed tolerance limits?

POSITION: No position pending evidence adduced at hearing.

ISSUE 3: Pursuant to Rule 25-6.103, Florida Administrative Code, what is the period for which refunds should apply?

POSITION: No position pending evidence adduced at hearing.

ISSUE 4: What interest rate should be used to calculate customer refunds?

POSITION: Refunds should be calculated using the interest rate specified in Rule 25-6.109, Florida Administrative Code.

e. **Pending Motions**

Staff has no pending motions.

f. **Pending Confidentiality Claims or Requests**

Staff has no pending confidentiality claims.

g. **Compliance with Order No. PSC-04-0581-PCO-EI**

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 23rd day of August, 2004.



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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaints by Southeastern Utility Services, Inc., on behalf of various customers, against Florida Power & Light Company concerning thermal demand meter error. | DOCKET NO. 030623-EI
FILED: AUGUST 23, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Staff's Prehearing Statement was furnished to the following, by U.S. Mail, on this 23rd day of August, 2004.

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