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COMMISSION  
 CLERK

September 24, 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

Re: Petition for Approval of its Conservation Cost Recovery Factors  
 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 its Conservation Cost Recovery Factors together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Microsoft Word 2002.

Also enclosed for filing are the original and fifteen (15) copies of the Testimony and Exhibits of Ken Getchell. Please contact me if you or your Staff have any questions regarding this filing.

Sincerely,

Natalie F. Smith

- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC 1
- OTH \_\_\_\_\_

NFS:ec  
 Enclosures

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

10374 SEP 24 04

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Energy Conservation Cost            )  
Recovery Clause                                )  
\_\_\_\_\_)**

**Docket No. 040002-EG**

**Filed: September 24, 2004**

**PETITION OF FLORIDA POWER & LIGHT COMPANY FOR  
APPROVAL OF ITS CONSERVATION COST RECOVERY FACTORS**

Florida Power & Light Company ("FPL"), pursuant to Section 366.82(2), Florida Statutes (2001), Rule 25-17.015, Florida Administrative Code, Order No. PSC-93-0709-FOF-EG, and Order No. PSC-98-1084-FOF-PU, hereby petitions the Florida Public Service Commission ("Commission") for approval of the conservation cost recovery factors shown on Appendix I, attached hereto and incorporated by reference, to be applied during the January 2005 through December 2005 billing period and to continue in effect thereafter until modified by the Commission. The grounds for this Petition are:

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

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

2. FPL's address is 9250 West Flagler Street, Miami, Florida 33174.

Correspondence, notices, orders, motions and other documents concerning this petition should be sent to:

William G. Walker, III  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, Florida 32301  
(850) 521-3900 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 an investor-owned electric utility regulated by the Commission pursuant to Chapter 366, Florida Statutes. FPL is subject to the Florida Energy Efficiency Conservation Act ("FEECA"), and its Energy Conservation Cost Recovery ("ECCR") clause is subject to the Commission's jurisdiction. By rule, Florida Administrative Code 25-17.015(1)(d), and Order Nos. PSC-93-0709-FOF-EG, PSC-93-1845-FOF-EG, and PSC-98-1084-FOF-PU (among others), the Commission has authorized conservation cost recovery factors. FPL's substantial interest in the recovery of its conservation-related expenditures will be affected by this proceeding.

4. FPL's conservation cost recovery factors were calculated consistent with the order establishing annual conservation cost recovery factors, Order No. PSC-93-0709-FOF-EG, and the order establishing the ECCR cost of service methodology, Order No. PSC-93-1845-FOF-EG. The factors are designed to recover the projected conservation program expenses for the period January 2005 through December 2005 adjusted for (a) the estimated true-up for the period January 2004 through December 2004, and (b) the final conservation true-up for the period January 2003 through December 2003, as well as an interest provision for both true-ups. The calculation of these factors and the supporting documentation are contained in the prepared testimony of FPL witness Ken Getchell and in Exhibit KG-2, which are being filed with and are incorporated by reference in this Petition. Exhibit KG-2 consists of the conservation cost recovery forms that FPL and other utilities were directed to file by the Commission's Electric and Gas Department memorandum dated June 17, 1982.

5. FPL projects total conservation program costs, net of all program revenues, of \$152,477,605 for the period January 2005 through December 2005. The net true-up is an overrecovery of \$10,587,779, which includes the final conservation true-up overrecovery for

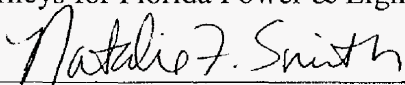
January 2003 through December 2003 of \$4,698,364 that was reported in FPL's Schedule CT-1 filed May 3, 2004. Decreasing the projected costs of \$152,477,605 by the net true-up overrecovery of \$10,587,779 results in a total of \$141,889,826 of conservation costs (plus applicable taxes) to be recovered during the January 2005 through December 2005 period. Total recoverable conservation costs and applicable taxes, net of program revenues and reflecting any applicable over or under recoveries are \$142,898,746, and the conservation cost recovery factors for which FPL seeks approval are designed to recover this level of costs and taxes.

6. FPL is not aware of any disputed issues of fact. This petition is not in response to a prior agency decision, so the petitioner cannot state when and how it "received notice of the agency decision." The Commission should approve the conservation cost recovery factors shown on Appendix I. FPL is entitled to relief pursuant to Section 366.82(2), Florida Statutes (2003), Rule 25-17.015, Florida Administrative Code, Order No. PSC-93-0709-FOF-EG, and Order No. PSC-98-1084-FOF-PU.

**WHEREFORE**, FPL respectfully petitions the Commission to approve for the billing period January 1, 2005 through December 31, 2005, and to continue in effect thereafter until modified by the Commission, the conservation cost recovery factors shown on Appendix I.

Respectfully submitted,

R. Wade Litchfield, Senior Attorney  
Natalie F. Smith, Esq.  
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Law Department  
700 Universe Boulevard  
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By:   
NATALIE F. SMITH

APPENDIX I

FLORIDA POWER & LIGHT COMPANY  
CONSERVATION COST RECOVERY FACTORS  
January 2005 through December 2005

Rate Class	Conservation Recovery Factor \$/kWh
RS1/RST1	0.00148
GS1/GST1	0.00138
GSD1/GSDT1	0.00130
OS2	0.00113
GSLD1/GSLDT1/CS1/CST1	0.00124
GSLD2/GSLDT2/CS2/CST2	0.00168
GSLD3/GSLDT3/CS3/CST3	0.00115
ISST1D	0.00113
ISST1T	0.00115
SST1T	0.00115
SST1D1/SST1D2/SST1D3	0.00113
CILCD/CILCG	0.00116
CILCT	0.00110
MET	0.00134
OL1/SL1/PL1	0.00062
SL2	0.00112
TOTAL	0.00139

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of its Conservation Cost Recovery Factors and the Testimony and Exhibits of Ken Getchell was served by Hand Delivery (when indicated with an \*) or mailed this 24th day of September, 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