



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301

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ORIGINAL

February 4, 2005

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

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05 FEB -4 PM 4:20
COMMISSION
CLERK

Re: Amended Petition of Florida Power & Light Company for Authority to Recover
Prudently Incurred Storm Restoration Costs Related to the 2004 Storm Season
that Exceed the Storm Reserve Balance
Docket No. 041291-EI

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company ("FPL") are an original
and 15 copies of FPL's Motion for Leave to File Amended Petition, FPL's Amended Petition for
Authority to Recover Prudently Incurred Storm Restoration Costs Related to the 2004 Storm
Season that Exceed the Storm Reserve Balance, and Supplemental Direct Testimony and
Exhibits of FPL witnesses K. Michael Davis and Rosemary Morley.

- MP 1
- STR 5
- ECR Org
- BCL L
- DPC
- WMS
- RCA
- SCR
- SEC 1
- OTH Kim P.

Also enclosed is a diskette containing FPL's Motion for Leave to File Amended Petition
and FPL's Amended Petition in Word. Please contact me should you or your Staff have any
questions regarding this filing.

Sincerely,

R. Wade Litchfield
for R. Wade Litchfield

01331-05 Amended Petiti.
01332-05 Testimony-Dave
01333-05 Testimony Morley

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FPSC-BUREAU OF RECORDS
MOTION FOR LEAVE
DOCUMENT NUMBER-DATE
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**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for authority to recover)
prudently incurred storm restoration costs)
related to 2004 storm season that exceed)
storm reserve balance, by Florida Power &)
Light Company.)
_____)

Docket No: 041291-EI

Filed: February 4, 2005

**FLORIDA POWER & LIGHT COMPANY'S
MOTION FOR LEAVE TO FILE AMENDED PETITION AND
SUPPLEMENTAL DIRECT TESTIMONY**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL" or the "Company"), and pursuant to Rules 25-106.202 and 25-106.204, Florida Administrative Code, and relevant orders of the Florida Public Service Commission ("PSC" or the "Commission") submits this Motion for Leave to File Amended Petition and Supplemental Direct Testimony, and in support states:

1. On November 4, 2004, FPL petitioned the Commission for authority to recover the FPL's Storm Reserve Deficit resulting from the unprecedented 2004 storm season. Concurrently with filing this Motion for Leave to File Amended Petition and Supplemental Direct Testimony, FPL is submitting its Amended Petition for Authority to Recover Prudently Incurred Storm Restoration Costs Related to the 2004 Storm Season that Exceed the Storm Reserve Balance (the "Amended Petition") and Supplemental Direct Testimony of Witnesses K. Michael Davis and Rosemary Morley. The Amended Petition serves to request that the Storm Recovery Surcharge be applied for an additional 12-month period, for a total of 36 months, or such shorter period as is necessary to recover the Storm Reserve Deficit, the updated estimate of

which is \$533 million (jurisdictional) as described in the Supplemental Direct Testimony of K. Michael Davis. Staff and the parties were apprised of the updated estimate during the January 28, 2005 deposition of Witness K. Michael Davis, and were provided Revised Exhibit KMD-1 (included in Witness Davis' Supplemental Direct Testimony) at that time.

2. The additional recovery period is proposed to enable the Company to recover the incremental deficit in a reasonable period of time without raising the amount of the proposed monthly surcharge. Nothing in the Amended Petition affects the operation of the preliminary surcharge or the Commission's January 18 decision. The revised tariff sheet included as Revised Exhibit RM-2 in Rosemary Morley's Supplemental Direct Testimony is proposed by the Company to take effect only following the Commission's decision subsequent to the hearing that is scheduled in this proceeding.

3. The Amended Petition will cause no prejudice to the parties to this Docket, nor will it affect their substantive rights. The Amended Petition does not alter the proposed level of the Storm Restoration Surcharge, the proposed allocation of the Surcharge, or the methodology by which costs were booked to the Storm Reserve.


4. FPL conferred with the parties to this docket regarding this Motion for Leave to Amend and is authorized to represent that Michael B. Twomey has no objection. The Florida Industrial Power Users Group and the Office of Public Counsel object.

WHEREFORE, for the above and foregoing reasons, Florida Power & Light Company respectfully requests that the Commission grant its Motion for Leave to File Amended Petition.

Respectfully submitted,

By:

for



R. Wade Litchfield

Natalie F. Smith

Attorneys for Florida Power & Light
Company

700 Universe Boulevard

Juno Beach, Florida 33408-0420

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and United States Mail this 4th day of February, 2005, to the following:

Wm. Cochran Keating, IV, Esq.
Katherine E. Fleming, Esq.
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

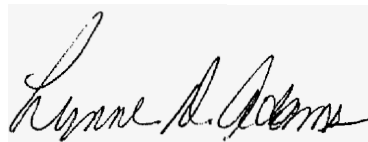
McWhirter Law Firm
Vicki Kaufman/ Tim Perry
117 S. Gadsden St.
Tallahassee, FL 32301

Michael B. Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256

Florida Industrial Power Users Group
(McWhirter)
c/o John W. McWhirter, Jr.
McWhirter Reeves
400 North Tampa Street, Suite 2450
Tampa, FL 33601-3350

Harold McLean, Esq.
Patricia Christensen, Esq.
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

By
for



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