

ORIGINAL

STEEL  
HECTOR  
& DAVIS  
INTERNATIONAL™

Steel Hector & Davis LLP  
200 South Biscayne Boulevard  
Suite 4000  
Miami, FL 33131-2398  
305.577.7000  
305.577.7001 Fax  
www.steelhector.com

John T. Butler  
305.577.2939  
jbutler@steelhector.com

August 5, 2005

-VIA OVERNIGHT DELIVERY -

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

RECEIVED - FPSC  
AUG - 8 AM 10:33  
COMMISSION  
CLERK

Re: Docket No. 050007-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 2005 Through December 2005 and Approval of Hydrobiological Monitoring and Clean Air Interstate Rule Compliance Projects, 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.

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Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and exhibits of Florida Power & Light Company witnesses K. M. Dubin and R. R. LaBauve.

ECR \_\_\_\_\_

GCL 1

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

OPC \_\_\_\_\_

Sincerely,

RCA 1

*Kouel M. Dubin*  
John T. Butler *for JTB*

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC 1

OTH kumf Enclosures

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

DOCUMENT NUMBER-DATE

07636 AUG-8 05

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost )  
Recovery Clause )

Docket No. 050007-EI  
Filed August 8, 2005

**PETITION FOR APPROVAL OF THE ENVIRONMENTAL  
COST RECOVERY ESTIMATED/ACTUAL TRUE-UP FOR  
THE PERIOD JANUARY 2005 THROUGH DECEMBER 2005  
AND APPROVAL OF HYDROBIOLOGICAL MONITORING  
AND CLEAN AIR INTERSTATE RULE COMPLIANCE PROJECTS**

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 overrecovery of \$4,710,480 for the period January 2005 through December 2005; and to approve the Hydrobiological Monitoring Project (HMP) and Clean Air Interstate Rule (CAIR) Compliance Project, such that the reasonable costs incurred by FPL in connection with those projects subsequent to the date of this petition may recovered through the ECR Clause. In support of this Petition, FPL incorporates the prepared written testimony of and documents sponsored by Ms. K. M. Dubin and Mr. R. R. LaBauve 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

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FPSC-COMMISSION CLERK

ECR clause hearing. The hearing in this docket is scheduled to commence on November 7, 2005, which is more than 90 days after the filing of this petition.

3. The calculation of the ECR Estimated/Actual True-up amount for the period January 2005 through December 2005 is contained in Commission Schedules 42-1E through 42-8E which are attached as Appendix I to Ms. Dubin's testimony.

4. FPL submits for recovery the Estimated/Actual True-up overrecovery of \$4,710,480 for the period January 2005 through December 2005, as set forth in the testimony and exhibits of Ms. Dubin. Pursuant to Order PSC-02-1735-FOF-EI, FPL has included actual costs for the period January through June 2005 and revised estimates for the period July through December 2005.

5. Mr. R. R. LaBauve's prepared testimony and exhibits present two new environmental compliance activities for recovery through the Environmental Cost Recovery Clause: the HBMP and the CAIR Compliance Project. For each project, Mr. LaBauve's testimony includes a description of the project, an identification of the environmental law or regulation requiring FPL to undertake the project, the forecasted costs associated with the project and a description of the steps FPL is taking to ensure that the environmental compliance costs to be incurred by FPL pursuant to the project are prudent, and a demonstration of the appropriateness of the project. This information shows that both projects meet the requirements for recovery set forth in Section 366.8255, Florida Statutes, and that the forecasted environmental compliance costs are prudent.

WHEREFORE, FPL respectfully requests the Commission to (1) approve the Environmental Cost Recovery Estimated/Actual True-up amount requested herein for the period January 2005 through December 2005; and (2) approve the HBMP and the CAIR Compliance Project, such that the reasonable costs incurred by FPL in connection with those projects subsequent to the date of this petition may recovered through the ECR Clause.

R. Wade Litchfield, Esq.  
Associate General Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Telephone: 561-691-7101

Respectfully submitted,

Steel Hector & Davis LLP  
Attorneys for Florida Power & Light  
Company  
200 South Biscayne Boulevard  
Suite 4000  
Miami, Florida 33131-2398  
Telephone: 305-577-2939

By: Kevin M. Dubin for JTB  
John T. Butler, Esq.  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 050007-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 2005 Through December 2005 and Approval of Hydrobiological Monitoring and Clean Air Interstate Rule Compliance Projects has been furnished by overnight delivery (\*) or U.S. Mail this 5<sup>th</sup> day of August, 2005 to the following:

Marlene K. Stern, Esq. (\*)  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Gunter Building, Room 370  
Tallahassee, FL 32399

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
Attorneys for TECO  
P.O. Box 391  
Tallahassee, FL 32302

Harold McLean/Patricia Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Tallahassee, FL 32399

James A. McGee, Esq.  
Progress Energy Florida, Inc.  
P. O. Box 14042  
Room 812  
St. Petersburg, FL 33733

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

Timothy J. Perry, Esq.  
McWhirter Reeves  
Attorneys for FIPUG  
117 South Gadsden Street  
Tallahassee, FL 32301

Jeffrey A. Stone, Esq.  
Russell A. Badders, Esq.  
Beggs and Lane  
Attorneys for Gulf Power Corp.  
Florida, Inc.  
P.O. Box 12950  
Pensacola, FL 32576

Gary V. Perko, Esq.  
Hopping Law Firm  
Attorneys for Progress Energy  
P.O. Box 6526  
Tallahassee, Florida 32314

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

John W. McWhirter, Jr., Esq.  
McWhirter, Reeves  
Attorneys for FIPUG  
P. O. Box 3350  
Tampa, FL 33601-3350

By:   
John T. Butler