

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of numeric conservation goals by Florida Power & Light Company.

DOCKET NO. 040029-EG

In re: Petition for approval of modifications to BuildSmart Program by Florida Power & Light Company.

DOCKET NO. 040660-EG

DATED: SEPTEMBER 19, 2005

STAFF'S PREHEARING STATEMENT

Pursuant to Order Nos. PSC-05-0535-PCO-EG, filed May 16, 2005, and PSC-05-0720-PCO-EG, filed July 5, 2005, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

None at this time.

b. All Known Exhibits

None at this time. Staff reserves the right to identify additional exhibits at the Prehearing Conference and at hearing for purposes of cross-examination.

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: Is the BuildSmart program cost-effective?

POSITION: No position at this time.

ISSUE 2: Is the modified BuildSmart program directly monitorable and will it yield measurable results?

POSITION: No position at this time.

DOCUMENT NUMBER-DATE

08837 SEP 19 05

FPSC-COMMISSION CLERK

ISSUE 3: Does the modified BuildSmart program advance the policy objectives of FEECA, Section 366.080 et seq., Florida Statutes, Commission Rule 25-17.001, Florida Administrative Code, and applicable Commission policies?

POSITION: No position at this time.

ISSUE 4: Should the Commission approve the modified BuildSmart program?

POSITION: No position at this time.

ISSUE 5: Does FPL's Residential Conservation Service Program comply with the requirements of Section 366.82(5), Florida Statutes, Rule 25-17.003, Florida Administrative Code, and applicable Commission policies?

POSITION: No position at this time.

ISSUE 6: Should the Commission approve FPL's Residential Conservation Service Program?

POSITION: No position at this time.

ISSUE 7: Should this docket be closed?

POSITION: No position at this time.

e. Stipulated Issues

There are no issues that have been stipulated at this time.

f. Pending Motions

There are no pending motions.

g. Pending Confidentiality Claims or Requests

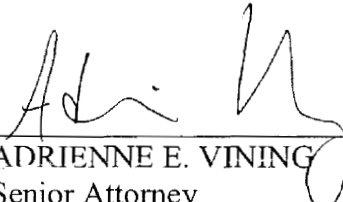
FPL's Request for Confidential Classification filed September 6, 2005

STAFF'S PREHEARING STATEMENT
DOCKET NO. 040029-EG and DOCKET NO. 040660-EG
PAGE 3

h. Compliance with Order No. PSC-05-0535-PCO-EG

Staff has complied with all requirements of the Order Establishing Procedure entered in these dockets.

Respectfully submitted this 19th day of September, 2005.



ADRIENNE E. VINING
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6183

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of numeric conservation goals by Florida Power & Light Company.

DOCKET NO. 040029-EG

In re: Petition for approval of modifications to BuildSmart Program by Florida Power & Light Company.

DOCKET NO. 040660-EG

FILED: SEPTEMBER 19, 2005

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of STAFF'S PREHEARING STATEMENT has been sent by U. S. Mail to the following, this 19th day of September, 2005:

Florida Power & Light Company
R. Wade Litchfield
Natalie F. Smith
Patrick M. Bryan
700 Universe Blvd.
Juno Beach, FL 33408

William J. Tait, Jr., Esq.
1061 Windwood Way
Tallahassee, FL 32311

Calcs-Plus (Venice)
Dennis J. Stroer
417-F Commercial Court
Venice, FL 34292

Calcs-Plus (Titusville)
Jon F. Klongerbo
1351 Park Ave.
Titusville, FL 32780

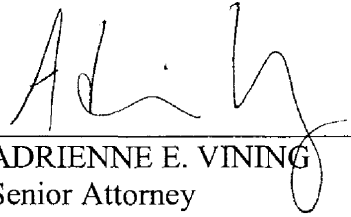
McWhirter Reeves Law Firm
Tim Perry
117 South Gadsden Street
Tallahassee, FL 32301

Florida Industrial Power Users Group
c/o John McWhirter, Jr.
McWhirter Reeves Law Firm
400 North Tampa Street, Suite 2450
Tampa, FL 33602

Florida Industrial Cogeneration Assn.
c/o Richard Zambo
598 S. W. Hidden River Avenue
Palm City, FL 34990

Executive Office of the Governor
Office of Planning and Budget
The Capitol, Room 1502
Tallahassee, FL 32399-0001

CERTIFICATE OF SERVICE
DOCKET NOS. 040029-EG, 040660-EG
PAGE 2

A handwritten signature in black ink, appearing to read "Adrienne E. Vining", is written over a horizontal line.

ADRIENNE E. VINING
Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6183