

TOM LEE
President



Harold McLean
Public Counsel

ORIGINAL

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

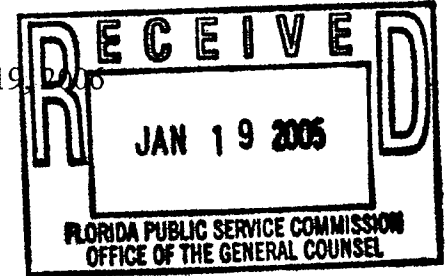
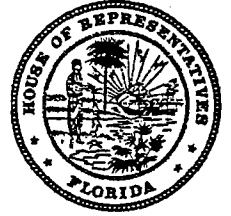
EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV

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COMMISSION
CLERK

ALLEN BENSE
Speaker



January 19, 2005

Lisa Polak Edgar, Chariman
Florida Public Service Commission
2540 Shumard Oak Drive
Tallahassee, Florida 32399-0850

Re: Docket No. 060038--Florida Power & Light Company's Petition for the Issuance of a Storm Recovery Financing Order

Dear Chairman Edgar:

I write on behalf of the Citizens of the State of Florida and more specifically, on behalf of the millions of customers of Florida Power and Light Company who will be directly affected by FP&L's petition for a financing order in excess of one billion, six hundred million dollars. (\$1,600,000,000)

I have recently learned that staff is preparing a Case and Assignment Scheduling Record (CASR) applicable to the above petition that would require intervenors – including this office – to file testimony on or about March 3, 2006.

That is an unachievable date.

The Citizens intend to raise three general issues:

- CMP _____
- COM 5
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC 1
- OTH _____

- Whether the \$650,000,000 requested by FPL as a storm reserve is justified.
- Whether securitization is an appropriate vehicle for any recovery in this docket
- Whether FPL's alleged \$800,000,000 cost of 2005 storm recovery was reasonably and prudently incurred

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Constituent issues of the \$800,000,000 which the citizens will also address are:

- whether any part of the \$800,000,000 arises from business as usual rather than from incremental costs related to storm recovery; and,
- whether any part of the \$800,000,000 arises from any systemic neglect of maintenance of the FPL transmission and distribution system such that damage to that system was exacerbated .

If the citizens are to fairly test FPL's case, this office must have time to initially evaluate the filing, to contract with consultants who have expertise in these highly specialized fields, to explore through discovery the many things that moving parties often omit from their petitions, and to cast testimony for filing at the commission which fleshes out the consumers' point of view.

The forty-nine days afforded by the proposed CASR are patently inadequate for completion those tasks. To insist on an intervenor filing date of March 3, 2006, is to deprive the citizens of the state of Florida an effective point of entry into the administrative process. Moreover:

Florida Power and Light filed its petition after having been afforded many months of preparation and it did so relying upon data, most of which lies within its exclusive possession. I recognize full well that they are permitted under the securitization statute to file what and when they choose.

There is nothing in that statute, however, and nothing in its legislative history that would require, authorize, or permit the consumers of this state to be effectively barred from testing FPL's assertions before this commission.

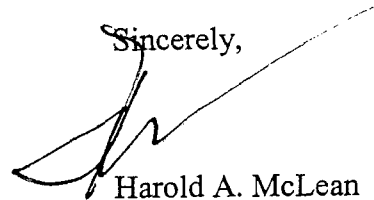
I write to demand on behalf of the Citizens of the State of Florida an intervenor testimony filing date of no sooner than March 31, 2006 and I write also to advise you that whereas this office will work diligently to prepare and file its testimony as soon as possible, it is highly unlikely that it will in any case be filed by March 3, 2006, and that if late filed, it will be late filed with or without permission.

Although I do believe that the regulatory process is and should be one of calm deliberation, civilized dialog and devoid of hyperbole, I do think that pretending under the terms of the proposed CASR that the Citizens are equally situated before the Commission as is FPL, works an unfair and unacceptable disadvantage to the public you are commissioned to protect.

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On behalf of the Citizens I have the honor to represent, I ask only for a realistic time in which to prepare our case.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. McLean', written over the word 'Sincerely,'.

Harold A. McLean
Public Counsel

HMcL:jm:bsr

CC: Commissioners
Rick Melson
Cochran Keating
Parties of record