

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost Recovery Clause)

Docket No. 060007-EI
Filed August 4, 2006

PETITION FOR APPROVAL OF THE ENVIRONMENTAL COST RECOVERY ESTIMATED/ACTUAL TRUE-UP FOR THE PERIOD JANUARY 2006 THROUGH DECEMBER 2006 AND APPROVAL OF THE CLEAN AIR MERCURY RULE COMPLIANCE PROJECT

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 \$13,409,744 for the period January 2006 through December 2006; and to approve the Clean Air Mercury Rule (CAMR) Compliance Project, such that the reasonable costs incurred by FPL in connection with that Project 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, K. M. Dubin and 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 ECR clause hearing. The hearing in this docket is scheduled to commence on November 6, 2006, which is more than 90 days after the filing of this petition.

DOCUMENT NUMBER 147

05987 AUG-4 8

FPSC-COMMISSION CLERK

3. The calculation of the ECR Estimated/Actual True-up amount for the period January 2006 through December 2006 is contained in Commission Schedules 42-1E through 42-8E, which are attached as Appendix I to Ms. Dubin's testimony.

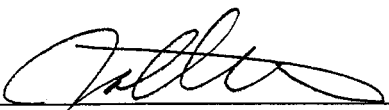
4. FPL submits for recovery the Estimated/Actual True-up overrecovery of \$13,409,744 for the period January 2006 through December 2006, as set forth in the testimony and exhibits of Ms. Dubin. Pursuant to Order PSC-02-1735-FOF-EI, FPL has included actual costs for the period January through June 2006 and revised estimates for the period July through December 2006.

5. Mr. R. R. LaBauve's prepared testimony and exhibits present a new environmental compliance activity for recovery through the Environmental Cost Recovery Clause: the CAMR Compliance Project. Mr. LaBauve's testimony includes a description of the CAMR Compliance 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 the CAMR Compliance Project meets 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 2006 through December 2006; and (2) approve the CAMR Compliance Project, such that the reasonable costs incurred by FPL in connection with this project subsequent to the date of this petition may be recovered through the ECR Clause.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
9250 West Flagler Street
Miami, Florida 33174
Telephone: 305-552-3867
Fax: 305-552-3865

By: 

John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 060007-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 2006 Through December 2006 and Approval of the Clean Air Mercury Rule Compliance Project has been furnished by overnight delivery (*) or U.S. Mail on August 3, 2006 to the following:

Martha Brown, Esq. *
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric Company
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service
Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Timothy J. Perry, Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
117 South Gadsden Street

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314
Attorneys for Progress Energy
Florida

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power Company
P.O. Box 12950
Pensacola, Florida 32576-2950

Robert Scheffel Wright, Esq.
John T. LaVia, III, Esq.
Young van Assenderp, P.A.
Attorneys for Florida Retail Federation
225 South Adams Street, Suite 200
Tallahassee, FL 32301

By: 

John T. Butler