

Dorothy Menasco

From: John W.McWhirter [jmcwhirter@mac-law.com]
Sent: Wednesday, October 04, 2006 4:37 PM
To: Filings@psc.state.fl.us
Cc: Alex.Glenn@pgnmail.com; Charles Beck; Bill_Walker@fpl.com; Burnett, John; GARYP@hgslaw.com; hmclean@psc.state.fl.us; James Beasley (Business Fax); jas@beggsllane.com; John Butler ; lwillis@ausley.com; Martha Brown; MCGLOTHLIN.JOSEPH@leg.state.fl.us; Patty Christensen, Esq.; Russell Badders; Schef Wright
Subject: FIPUG Prehearing Statement
Attachments: FIPUG's Prehearing Statement 060007 - 10-4-06.doc

1. John W. McWhirter, Jr., McWhirter Reeves & Davidson, P.A., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 0600007-EI, In re: Environmental Cost Recovery Clause The filing is made on behalf of the Florida Industrial Power Users Group;
3. The total number of pages is 4; and
4. The attached document is The Florida Industrial Power User Group's Prehearing Statement.

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the McWhirter Reeves & Davidson PA client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party

John W. McWhirter, Jr.
 McWhirter Reeves Davidson, PA.
 400 N. Tampa St
 PO Box 3350
 Tampa, FL 33601
 t:13.224.0866
 f:13.221.1854 FAX

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

DOCUMENT NUMBER-DATE

09188 OCT-4 06

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Environmental Cost
Recovery Clause.

Docket No. 060007-EI
Filed: October 4, 2006

THE FLORIDA INDUSTRIAL POWER USERS GROUP'S
PREHEARING STATEMENT

The Florida Industrial Power Users Group (FIPUG), pursuant to Order Nos. PSC-06-0559-PCO-EI and Order PSC-06-0220-PCO-EI hereby files its Prehearing Statement:

A. APPEARANCES:

JOHN W. MCWHIRTER, JR., McWhirter, Reeves & Davidson, P.A., 400 North Tampa Street, Suite 2450, Tampa, Florida 33601-3350,

On Behalf of the Florida Industrial Power Users Group.

B. WITNESSES:

None.

C. EXHIBITS:

None at this time. However, FIPUG reserves the right to utilize appropriate exhibits during cross-examination.

D. STATEMENT OF BASIC POSITION:

None.

E. STATEMENT OF ISSUES AND POSITIONS

ISSUE 1: What are the final environmental cost recovery true-up amounts for the period ending December 31, 2005?

FIPUG: No position at this time.

ISSUE 2: What are the estimated environmental cost recovery true-up amounts for the period January 2006 through December 2006?

FIPUG: No position at this time.

ISSUE 3: What are the projected environmental cost recovery amounts for the period January 2007 through December 2007?

FIPUG: No position at this time.

ISSUE 4: What are the environmental cost recovery amounts, including true-up amounts, for the period January 2006 through December 2006?

FIPUG: No position at this time.

ISSUE 5: What depreciation rates should be used to develop the depreciation expense included in the total environmental cost recovery amounts for the period January 2007 through December 2007?

FIPUG: No position at this time.

ISSUE 6: What are the appropriate jurisdictional separation factors for the projected period January 2007 through December 2007?

FIPUG: No position at this time.

ISSUE 7: What are the appropriate environmental cost recovery factors for the period January 2007 through December 2007 for each rate group?

FIPUG: Cost recovery charges should be allocated on basis of demand allocator established in Docket 060001-EI.

ISSUE 8: What should be the effective date of the new environmental cost recovery factors for billing purposes?

FIPUG: No position at this time.

COMPANY-SPECIFIC ISSUES

Florida Power & Light Co. (FPL)

ISSUE 9A: Should the Commission approve FPL's request for recovery of compliance costs relating to the Clean Air Mercury Rule as a project that qualifies for recovery through the ECRC?

FIPUG: No position at this time.

ISSUE 9B: How should the projected environmental costs for the CAMR Compliance Project be allocated to the rate classes?

FIPUG: No position at this time.

ISSUE 9C: Should the Commission approve the inclusion of Turkey Point Unit 5 as part of FPL's previously approved Selective Catalytic Reduction Consumables project?

FIPUG: No position at this time.

ISSUE 9D: Are FPL's Legal Expenses challenging implementation of the CAIR rule included in base rates?

FIPUG: No position at this time.

Progress Energy Florida, Inc. (PEF)

ISSUE 10A: Should the Commission approve inclusion of the costs in the 2007 ECRC factors of PEF's Modular Cooling Tower Project subject to refund including interest pending resolution of Docket No. 060162-EI?

FIPUG: No position at this time.

Tampa Electric Company

ISSUE 11A: Should the Commission approve inclusion of the costs in the 2007 ECRC factors of TECO's Flue Gas Desulphurization Reliability Project subject to refund including interest pending resolution of Docket No. 050958-EI?

FIPUG: No position at this time.

Gulf Power Company

ISSUE 12A: Should the Commission approve Gulf's request for recovery of compliance costs relating to the Clean Air Interstate Rule and the Clean Air Mercury Rule as a project that qualifies for recovery through the ECRC?

FIPUG: No position at this time.

ISSUE 12B: Should the Commission approve Gulf's request for recovery of its General water sampling quality boat as a project that qualifies for recovery through the ECRC?

FIPUG: No position at this time.

F. STIPULATED ISSUES:

None.

G. PENDING MOTIONS OR OTHER MATTERS:

None.

H. PENDING CLAIMS OF CONFIDENTIALITY:

None.

I. OBJECTIONS TO WITNESS' QUALIFICATIONS AS AN EXPERT

None.

J. COMPLIANCE WITH PROCEDURAL ORDERS:

FIPUG has not at this time identified any portion of the procedural orders that cannot be complied with.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing the Florida Industrial Power Users Group's Prehearing Statement has been furnished by e-mail and U.S. Mail this 4th day of October 2006, to the following:

Martha Brown
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Harold McLean
Charles Beck
Joseph A. McGlothlin
Patricia A. Christensen
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399

R. Wade Litchfield
John Butler
Natalie Smith
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408

Lee L. Willis
James D. Beasley
Ausley & McMullen
227 S. Calhoun Street
Tallahassee, Florida 32301

Gary V. Perko, Esq.
Hopping, Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

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

Jeffrey A. Stone
Russell Badders
Beggs & Lane
Post Office Box 12950
Pensacola, Florida 32591

R. Scheffel Wright
Young van Assenderp
225 South Adams Street, Suite 200
Tallahassee, FL 32301

s/ John W. McWhirter, Jr.
John W. McWhirter, Jr., Esq.
McWhirter, Reeves & Davidson, P.A.
400 North Tampa Street, Suite 2450
Tampa, Florida 33602
Telephone: (813) 224-0866
Fax: (813) 221-1854
jmcwhirter@mac-law.com

Attorneys for the Florida Industrial Power Users Group