

# ORIGINAL

Timolyn Henry

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**Sent:** Friday, November 17, 2006 4:25 PM  
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**Subject:** Docket No. 060362-EI Attorney General's Brief  
**Attachments:** brief.pdf

Please find attached the Brief of the Attorney General which is submitted for filing in FPL Docket No. 060362-EI. Thank you for your consideration of this matter.

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# ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

PETITION TO RECOVER NATURAL GAS  
STORAGE PROJECT COSTS THROUGH  
FUEL COST RECOVERY CLAUSE, BY  
FLORIDA POWER & LIGHT COMPANY.

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DOCKET NO. 060362-EI  
Filed November 17, 2006

## ATTORNEY GENERAL'S BRIEF ON MOBAY STORAGE FACILITY ISSUES

CHARLES J. CRIST, JR., Attorney General, State of Florida, submits this his brief on the MoBay storage facility issue and would state:

While the Attorney General supports the efforts by FPL to procure additional gas storage capacity, such costs should not be passed along to FPL's customers in violation of the terms of the settlement entered with FPL in March of 2005. That agreement provided that FPL would not petition for any new surcharges to recover costs of a type that traditionally and historically would be recovered through base rates or are presently recovered through base rates, like the fuel inventory carrying costs at issue here. The PSC Staff Recommendation has made it clear that these carrying costs are traditionally and historically recovered through base rates. The staff affirmed this fact by changing the recovery from fuel adjustments to a base rate recovery after the expiration of the settlement.

The Brief of the Public Counsel is adopted and included herein by the Attorney General. To allow FPL to shift these costs, which have historically and traditionally been recovered through base rates, to their fuel clause, would make the settlement agreement meaningless and disserve the public interest.

Wherefore, Attorney General Charles J. Crist, Jr. respectfully requests that FPL be denied

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recovery of these costs through the fuel clause.

Respectfully submitted,

CHARLES J. CRIST, JR.  
ATTORNEY GENERAL

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Florida Bar No. 73622  
Senior General Counsel

s/ Cecilia Bradley  
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**DOCKET NO. 060362-EI**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic delivery on November 17, 2006 to the following:

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