

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

*www.lawfla.com*

September 30, 2008

**BY ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket No. 080002-EG

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is Florida Public Utilities Company's Preliminary List of Issues and Positions in the above-referenced docket.

Thank you for your assistance in this matter.

Sincerely,

Norman H. Horton, Jr.

The signature is a cursive script that reads 'Norman H. Horton, Jr.' and is written in black ink.

NHH:amb

Enclosures

cc: Mr. Marc S. Seagrave  
Parties of Record

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Energy Conservation Cost     )  
Recovery Clause.                     )  
\_\_\_\_\_                                   )

Docket No. 080002-EG  
Filed: September 30, 2008

**FLORIDA PUBLIC UTILITIES COMPANY'S  
PRELIMINARY LIST OF ISSUES AND POSITIONS**

Florida Public Utilities Company ("FPUC"), by and through its undersigned counsel, submits its preliminary list of issues and positions for each of its two electric divisions in connection with the hearing that is scheduled for November 4-6, 2008, in the above-styled docket.

**ISSUES AND POSITIONS**

**Issue 1:       What are the final conservation cost recovery true-up amounts for the period January 2007 through December 2007?**

FPUC's Position:     \$18,012 (underrecovery)

**Issue 2:       What are the actual/estimated conservation cost recovery true-up amounts for the period January, 2008 through December 2008?**

FPUC's Position:     \$43,660 (overrecovery)

**Issue 3:       What are the total conservation cost recovery amounts to be collected /refunded during the period January, 2009 through December 2009?**

FPUC's Position:     \$597,991 to be refunded.

**Issue 4:       What are the conservation cost recovery factors for the period January 2009 through December 2009?**

FPUC's Position:     The appropriate conservation cost recovery factor on a consolidated basis is \$.00074.

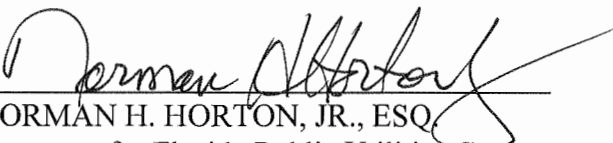
**Issue 5:      What should be the effective date of the conservation cost recovery factors for billing purposes?**

FPUC's Position:      The conservation cost recovery factors should be effective for the period January 2009 through December 2009, and to billings thereafter until other conservation cost recovery factors are approved by the Commission.

Date this 30<sup>th</sup> day of September, 2008.

Respectfully submitted,

MESSER, CAPARELLO & SELF, P. A.  
Post Office Box 15579  
Tallahassee, FL 32317  
(850) 222-0720

  
\_\_\_\_\_  
NORMAN H. HORTON, JR., ESQ.  
Attorneys for Florida Public Utilities Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 30<sup>th</sup> day of September, 2008 upon the following:

Katherine Fleming, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Ms. Susan D. Ritenour  
Secretary and Treasurer  
Gulf Power Company  
One Energy Place  
Pensacola, FL 32520-0780

Patricia Ann Christensen, Esq.  
Associate Public Counsel  
Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison St., Rm 812  
Tallahassee, FL 32399-1400

Jeffrey A. Stone, Esq.  
Russell Badders, Esq.  
Steven R. Griffin, Esq.  
Beggs & Lane Law Firm  
P.O. Box 12950  
Pensacola, FL 32591

R. Wade Litchfield, Esq.  
Associate General Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

Lee L. Willis, Esq.  
James D. Beasley, Esq.  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302

John T. Butler  
Senior Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420

  
NORMAN H. HORTON, JR.

Ms. Paula K. Brown  
Tampa Electric Company  
P.O. Box 111  
Tampa, FL 33601

John T. Burnett, Esq.  
Progress Energy Florida, Inc.  
P.O. Box 14042  
St. Petersburg, FL 33733-4042

Beth Keating, Esq  
Akerman Senterfitt  
106 E. College Avenue, Suite 1200  
Tallahassee, FL 32301

Paul Lewis, Jr.  
Progress Energy Florida, Inc.  
106 E. College Avenue, Suite 800  
Tallahassee, FL 32301

John W. McWhirter, Jr. Esq.  
McWhirter Reeves & Davidson, P.A.  
P.O. Box 3350  
Tampa, FL 33601-3350