

**Ruth Nettles**

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**From:** Lisa Scoles [lscoles@radeylaw.com]  
**Sent:** Monday, November 17, 2008 4:16 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Tom Ballinger; 'kfleming@psc.state.fl.us'; Susan Clark  
**Subject:** Electronic filing in Docket Nos. 080407-EG, 080408-EG, 080409-EG, 080410-EG, 080411-EG, 080412-EG and 080413-EG  
**Attachments:** Joint Letter.pdf

Electronic Filing

- a. Person responsible for this electronic filing:

Susan F. Clark  
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- b. Dockets - Commission review of numeric conservation goals for Florida Power & Light Company (Docket No. 080407-EG); Progress Energy Florida (Docket No. 080408-EG); Tampa Electric Company (Docket No. 080409-EG); Gulf Power Company (Docket No. 080410-EG); Florida Public Utilities Company (Docket No. 080411-EG); Orlando Utilities Company (Docket No. 080412-EG); Jacksonville Electric Authority (Docket No. 080413-EG)
- c. Document being filed on behalf of Florida Power & Light, Progress Energy Florida, Tampa Electric Company, Gulf Power Company, Florida Public Utilities Company, Orlando Utilities Company, Jacksonville Electric Authority, Southern Alliance for Clean Energy and the Natural Resources Defense Council
- d. There are 4 pages.
- a. The document attached for electronic filing is a joint letter from Florida Power & Light, Progress Energy Florida, Tampa Electric Company, Gulf Power Company, Florida Public Utilities Company, Orlando Utilities Company, Jacksonville Electric Authority, Southern Alliance for Clean Energy and the Natural Resources Defense Council filed in the referenced dockets in lieu of post-workshop comments.

(See attached file: Joint Letter.pdf)

Thank you for your assistance in this matter.

Lisa Scoles, JD, MBA

**RADEY THOMAS YON CLARK**

Attorneys & Counselors at Law

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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November 17, 2008

Ms. Ann Cole  
Director of Office of Commission Clerk  
Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

*Re: Commission review of numeric conservation goals for Florida Power & Light Company (Docket No. 080407-EG); Progress Energy Florida (Docket No. 080408-EG); Tampa Electric Company (Docket No. 080409-EG); Gulf Power Company (Docket No. 080410-EG); Florida Public Utilities Company (Docket No. 080411-EG); Orlando Utilities Company (Docket No. 080412-EG); Jacksonville Electric Authority (Docket No. 080413-EG)*

Dear Ms. Cole:

The electric utilities (collectively the "Utilities") listed in the above-referenced dockets have consulted with the Natural Resources Defense Council ("NRDC") and the Southern Alliance for Clean Energy ("SACE") regarding the filing of written comments ("post-workshop comments") as authorized at the November 3, 2008, Florida Public Service Commission ("Commission") Workshop in the above-referenced dockets. The Utilities, NRDC and SACE hereby jointly file this letter in lieu of post-workshop comments.

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KAREN ASHER-COHEN | DONNA E. BLANTON | SUSAN F. CLARK | BERT L. COMBS | THOMAS A. CRABB | TONI A. EGAN  
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The Utilities, NRDC and SACE made presentations and provided comments at the November 3, 2008, Workshop regarding the Status of the Technical Potential Study and various other issues relating to the development of demand-side and supply-side conservation and efficiency goals. Further, pursuant to a memorandum of understanding ("MOU"), the Utilities, NRDC and SACE have been working collaboratively on the Technical Potential Study and other aspects of developing demand-side numeric conservation goals for electric utilities in Florida, and are currently drafting another MOU to work collaboratively on the development of the economic and achievable potential that will provide the basis for demand side management ("DSM") goals for 2010 through 2019. While differences and concerns have arisen and may continue, some of which were discussed at the November 3, 2008, Workshop, the Utilities, NRDC and SACE recognize the value of continuing to work collaboratively and wish to focus their time and effort on that collaborative effort rather than on developing and providing post-workshop comments.

It is worth noting that by collaborating on the Technical Potential Study, 58 new DSM measures that have not previously been evaluated by Itron, the entity performing the study, are being evaluated. A list of those 58 measures has been provided to the Commission's staff. Further, the Commission's staff has been, and will continue to be, part of the process that develops the technical, economic and achievable potential for various DSM measures so they can provide valued input and be well-informed of the studies and evaluations that will lead up to the petitions that will be filed by the utilities as part of the goal-setting process.

The agreement to file this joint letter in lieu of post-workshop comments should not be interpreted in any way as the Utilities agreeing with any of the comments or information provided by NRDC or SACE, or NRDC or SACE agreeing with the comments or information provided by the Utilities. Instead, the agreement is in recognition of the value the collaborative effort has afforded all parties to date and the anticipation that the continuation of the collaborative effort will provide the opportunity to alleviate the real or perceived differences that were expressed at the November 3, 2008 Commission Workshop or that may exist among the parties at this time. Further, it is expected that questions and/or comments raised by the Commission staff and Commissioners at the workshop will be discussed as the evaluation of DSM measures

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continues and responses to those questions and/or comments will be provided as the process towards DSM goal-setting continues.

Finally, the Utilities wish to reiterate their request that the date for the filing of petitions on new numeric goals be set for July 2009. The development of the economic and achievable potential of various DSM measures is an involved, multi-step and time consuming process. By continuing the existing collaborative through the determination of DSM measures that are both economic and achievable, the Utilities are hopeful the hearings to approve goals will be less contentious. While SACE and NRDC are not requesting the schedule provide for a July 2009 filing date, they are not opposed to such a schedule. However, SACE and NRDC reserve the right to participate in any discussion of the case schedule. The Utilities have contacted the Commission's staff to discuss the filing date for petitions.

By their signatures below, each utility and the NRDC and SACE indicate their agreement to file this letter in lieu of post-workshop comments.

Sincerely,

/s/ Susan F. Clark

Susan F. Clark  
Radey Thomas Yon & Clark, P.A.  
Attorney for the Utilities

/s/Carla G. Pettus

Carla G. Pettus  
Florida Power & Light Company

/s/John T. Burnett

John T. Burnett  
Progress Energy Florida, Inc.

/s/James D. Beasley

James D. Beasley  
Tampa Electric Company

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/s/Steven R. Griffin  
Steven R. Griffin  
Gulf Power Company

/s/ Norman H. Horton, Jr.  
Norman H. Horton, Jr.  
Florida Public Utilities Company

/s/Clint Bullock  
Clint Bullock  
Orlando Utilities Commission

/s/Richard J. Vento  
Richard J. Vento  
JEA

/s/ E. Leon Jacobs, Jr.  
E. Leon Jacobs, Jr.  
Southern Alliance for Clean Energy  
Natural Resources Defense Council

cc: Katherine Fleming  
Tom Ballinger