

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

DOCKET NO. 070231-EI

In re: Petition for approval of underground conversion tariff revisions, by Florida Power & Light Company.

DOCKET NO. 080244-EI

FILED: MAY 11, 2009

CITY OF SOUTH DAYTONA'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0114-PCO-EI, filed February 25, 2009, as amended by Order No. PSC-09-0145-PCO-EI, filed March 10, 2009, and as further amended by Order No. PSC-09-0237-PCO-EI, filed April 16, 2009, the City of South Daytona ("City") files its Prehearing Statement.

a. All Known Witnesses

The City adopts the testimony of the witnesses for the Municipal Underground Utilities Consortium ("MUUC").

b. All Known Exhibits

1. The deposition transcript of Mr. Lloyd D. Shank, Jr.
2. The City adopts the prefiled exhibits sponsored by the MUUC.

c. City's Statement of Basic Position

The City adopts the basic position of the MUUC.

d. City's Position on the Issues

ISSUE 1: Are Florida Power & Light Company's ("FPL's") proposed "tiered" URD charges appropriate, and if not, how should the charges for installation of different sizes be stated in FPL's tariff?

POSITION: The City adopts the position of the MUUC.

ISSUE 2: Taking into account the requirements of Rules 25-6.078 and 25-6.0342, Florida Administrative Code, what should FPL's URD charges be?

POSITION: The City adopts the position of the MUUC.

ISSUE 3: What, if any, relief should be provided to customers who have previously paid the URD charges approved in Order Nos. PSC-07-0835-TRF-EI and PSC-08-0774-TRF-EI, in the event that the Commission determines, pursuant to Issues 1 and 2, that FPL's URD charges should be lower than it approved in those Orders?

POSITION: The City adopts the position of the MUUC.

ISSUE 4: Are FPL's proposed "tiered" CIAC charges for UG conversions appropriate, and if not, how should the charges for conversion projects of different sizes be stated in FPL's tariff?

POSITION: The City adopts the position of the MUUC.

ISSUE 5: Taking into account the requirements of Rule 25-6.115, what should FPL's CIAC charges for conversions of existing overhead facilities to underground service be?

POSITION: The City adopts the position of the MUUC.

ISSUE 6: What, if any, relief should be provided to customers who have previously paid the conversion CIAC charges approved in Order No. PSC-08-0780-TRF-EI, in the event that the Commission determines, pursuant to Issues 4 and 5, that their CIAC charges should be lower than what they paid under the terms of that Order?

POSITION: The City adopts the position of the MUUC.

e. Stipulated Issues

The parties have stipulated that FPL's UCD tariffs are not at issue in this proceeding.

f. Pending Motions

The City has no pending motions at this time.

g. Pending Confidentiality Claims or Requests

The City has no pending confidentiality claims or requests at this time.

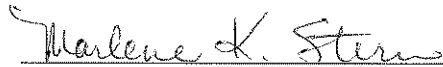
h. Objections to Witness Qualifications as an Expert

The City has no objections to expert witness qualifications at this time.

- i. Compliance with the Order Establishing Procedure (Order No. PSC-09-0114-PCO-EI as Amended)

The City has complied with all requirements of the Order Establishing Procedure, as amended.

Respectfully submitted this 11th day of May, 2009.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic and U.S. Mail to the service list below, on this 11th day of May, 2009.

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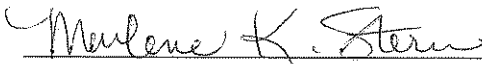
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