

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  
DATED: MAY 11, 2009

FPL'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0114-PCO-EI, filed February 25, 2009, Florida Power & Light Company ("FPL") files its Prehearing Statement.

a. All Known Witnesses

Thomas R. Koch Support of FPL's Tariff revisions filed in Docket No. 070231-EI for the Underground Residential Distribution (URD) tariff, and in Docket No. 080244-EI for the calculation of contribution-in-aid-of-construction (CIAC) in the Underground Conversion tariff. Mr. Koch will focus on the identification of appropriate factors and data considered in the calculation of the operational cost differentials, along with the actual calculations of those cost differentials. Mr Koch will also respond in rebuttal to the portions of the testimony submitted on behalf of the Municipal Underground Utilities Consortium (MUUC) Witnesses, Peter J. Rant and Lloyd D. Shank, that relate to their opinions on the long-term costs of operating and maintaining distribution overhead and underground facilities and systems.

John McEvoy Support of FPL's Tariff revisions filed in Docket No. 070231-EI for the Underground Residential Distribution (URD) tariff, and in Docket No. 080244-EI for the calculation of contribution-in-aid-of-construction (CIAC) in the Underground Conversion tariff. Mr. McEvoy will respond to the portions of the testimony submitted on behalf of the Municipal Underground Utilities Consortium (MUUC) Witnesses, Peter J. Rant and Lloyd D. Shank, that relate to their opinions on the relative performance and long-term costs of operating and maintaining distribution overhead and underground facilities and systems.

b. All Known Exhibits

1. TRK-1 – URD and UCD Tariff Filings (3 Filings)

2. TRK-2 – URD – Operational Cost Differential Analysis
3. TRK-3 – Overhead to Underground Conversion Tariff Filings (2 filings)
4. TRK-4 – Overhead to Underground Conversion – Operational Cost Differential Analysis

Rebuttal Exhibits – To Be Determined at the time rebuttal testimony is filed

Additional Exhibits to be used in cross examination as needed.

c. FPL's Statement of Basic Position

FPL submitted proposed revisions to its URD Tariff in Docket No. 070231-EI in compliance with Rule 6.078, and the revised FPL Tariff was approved by the Commission on November 24, 2008 in Order No. PSC-08-0774-TRF-EI. Similarly, FPL submitted proposed revisions to its UG Conversion Tariff in compliance with Rule 25-6.115, and the revised FPL Tariff was approved by the Commission on November 26, 2008 in Order No. PSC-08-0780-TRF-EI. FPL continues to support the Commission's approval of both the URD and the UG Conversion Tariffs.

d. FPL's Position on the Issues

**ISSUE 1:** Are FPL's proposed "tiered" URD charges appropriate, and if not, how should the charges for installations of different sizes be stated in FPL's tariff?

**POSITION:** FPL's proposed tiered URD charges are appropriate. (KOCH, MCEVOY).

**ISSUE 2:** Taking into account the requirements of Rules 25-6.078 and 25-6.0342, F.A.C., what should FPL's URD charges be?

**POSITION:** Taking into account the requirements of Rules 25-6.078 and 25-6.0342, F.A.C., FPL's URD charges should be those reflected on FPL's Tariff Sheets identified as Exhibit TRK-1 to the prefiled testimony of Thomas R. Koch, as approved by the Commission. (KOCH, MCEVOY).

**ISSUE 3:** What relief, if any, 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 approved under the terms of those Orders?

**POSITION:** In the event the Commission determines that FPL's URD charges should be lower than those previously approved in the Orders identified in Issue 3, customers who paid the URD charges approved in Order No. PSC 07-0835-TRF-EI and Order No. PSC-08-0774-TRF-EI would be entitled to receive a refund, the parameters of which would be determined by the Commission's rulings in this Docket. (KOCH)

**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:** FPL's tiered CIAC charges for UG conversions are appropriate. (KOCH, MCEVOY)

**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:** Taking into account the requirements of Rules 25-6.115, F.A.C., FPL's URD charges should be those reflected on FPL's Tariff Sheets identified as Exhibit TRK-1 to the prefiled testimony of Thomas R. Koch, as approved by the Commission. (KOCH, MCEVOY)

**ISSUE 6:** What relief, if any, 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 FPL's CIAC charges should be lower than approved under the terms of that Order?

**POSITION:** In the event the Commission determines that FPL's CIAC charges should be lower than those previously approved in the Order identified in Issue 6, customers who paid the CIAC charges approved in Order Nos. PSC 08-0780-TRF-EI would be entitled to receive a refund, the parameters of which would be determined by the Commission's rulings in this Docket. (KOCH)

e. Stipulated Issues

For Docket No. 070231-EI, the parties and staff agree that FPL's underground commercial distribution (UCD) tariffs are not at issue in this proceeding.

f. Pending Motions

There are no pending motions.

g. Pending Confidentiality Claims or Requests

FPL's Request For Confidential Classification (Data Request No. 15) filed September 18, 2008, Document No. 08815-08

Additionally, FPL has not yet been advised by the MUUC whether it intends to designate late filed Exhibit 2 to the deposition of MUUC witness Peter Rant as confidential. In the event the MUUC designates late filed Exhibit 2 as confidential, FPL anticipates that a request for confidential classification will need to be filed for it.

h. Objections to Witness Qualifications as an Expert

None

i. Compliance with Order No. PSC-09-0114-PCO-EI

FPL has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 11<sup>th</sup> day of May, 2009.

Kenneth M. Rubin, Esquire  
Senior Attorney  
John T. Butler, Esquire  
Managing Attorney  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
Telephone: (561) 691-2512  
Facsimile: (561) 691-7135

By: /s/Kenneth M. Rubin  
Kenneth M. Rubin  
Fla. Bar No. 349038

**CERTIFICATE OF SERVICE**  
**Docket Nos. 080244-EI and 070231-EI**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served by electronic delivery on the 11<sup>th</sup> day of May, 2009, to the following persons:

Ralph Jaeger  
Office of the General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
[rjaeger@psc.state.fl.us](mailto:rjaeger@psc.state.fl.us)  
[esayler@psc.state.fl.us](mailto:esayler@psc.state.fl.us)

Robert Scheffel Wright  
Jay T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street  
Suite 200  
Tallahassee, Florida 32301  
Email: [swright@yvlaw.net](mailto:swright@yvlaw.net)  
[jlavia@yvlaw.net](mailto:jlavia@yvlaw.net)

Brian P. Armstrong, Esq.  
David G. Tucker  
Nabors, Giblin & Nickerson, P.A.  
1500 Mahan Drive  
Suite 200  
Tallahassee, Florida 32308  
Telephone: (850) 224-4070  
Facsimile: (850) 224-4073  
[dtucker@ngnlaw.com](mailto:dtucker@ngnlaw.com)  
[barmstrong@ngnlaw.com](mailto:barmstrong@ngnlaw.com)

Scott E. Simpson, Esq.  
Korey, Sweet, McKinnon, Simpson  
and Vukelja  
Granada Oaks Professional Building  
595 West Granada Boulevard, Suite A  
Ormond Beach, FL 32174-9448  
Telephone: (386) 677-3431  
Facsimile: (386) 673-0748  
[simpson66@bellsouth.net](mailto:simpson66@bellsouth.net)

MUUC/City of Coconut Creek  
Thomas G. Bradford, Deputy Town Mgr  
c/o Town of Palm Beach, Florida  
360 South County Road  
Palm Beach, FL 33480  
Telephone: (561) 838-5410  
Facsimile: (561) 838-5411  
[Tbradford@TownofPalmBeach.com](mailto:Tbradford@TownofPalmBeach.com)

City of South Daytona  
Joseph W. Yarbrough  
P.O. Box 214960  
South Daytona, FL 32121  
Telephone: (386) 322-3010  
Facsimile: (386) 322-3008  
[jyarbrough@southdaytona.org](mailto:jyarbrough@southdaytona.org)

By: /s/Kenneth M. Rubin  
Kenneth M. Rubin  
Fla. Bar No. 349038