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August 28, 2009

-VIA HAND DELIVERY -

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-FPSC
09 AUG 28 PM 4:02
COMMISSION
CLERK

Re: Docket No. 090007-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's ("FPL's") Petition for Approval of Environmental Cost Recovery Factors for Period January 2010 Through December 2010 and Approval of the National Emission Standard for Hazardous Air Pollutants (NESHAP) Information Collection Request Project and Expansion of the Manatee Temporary Heating System Project, together with a CD containing the electronic version of same.

Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and exhibits of FPL witnesses T.J. Keith and R.R. LaBauve.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

Damarcus Rodriguez for

John T. Butler

COM	_____
ECR	<u> 2 </u>
GCL	<u> 2 </u>
OPC	_____
ECP	<u> 1 </u>
SSC	_____
SGA	<u> 1 </u>
ADM	_____
CLK	_____

Enclosures
cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

08968 AUG 28 09

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**IN RE: Environmental Cost)
Recovery Clause)**

**DOCKET No. 090007-EI
Filed: August 28, 2009**

**PETITION FOR APPROVAL OF ENVIRONMENTAL COST RECOVERY FACTORS
FOR THE PERIOD JANUARY 2010 THROUGH DECEMBER 2010 AND APPROVAL
OF NATIONAL EMISSION STANDARD FOR HAZARDOUS AIR POLLUTANTS
(NESHAP) INFORMATION COLLECTION REQUEST PROJECT AND EXPANSION
OF THE MANATEE TEMPORARY HEATING SYSTEM PROJECT**

Florida Power & Light Company ("FPL") pursuant to Order No. PSC-93-1580-FOF-EI, and Order No. PSC-98-0691-FOF-PU, hereby petitions this Commission to approve (1) the Environmental Cost Recovery ("ECR") Factors submitted as Attachment I to this Petition for the January 2010 through December 2010 billing period, (2) the National Emission Standard for Hazardous Air Pollutants (NESHAP) Information Collection Request (ICR) Project, and (3) expansion of the Manatee Temporary Heating System (MTHS) Project to cover the Cape Canaveral Plant, such that the reasonable costs incurred by FPL in connection with these projects subsequent to the date of this petition may be recovered through the ECR Clause. All charges are to become effective starting with meter readings scheduled to be read on or after Cycle Day 1, and will remain in effect until modified by subsequent order of this Commission. In support of this Petition, FPL incorporates the prepared written testimony and exhibits of FPL witnesses T.J. Keith and R.R. LaBauve, and states as follows:

1. Section 336.8255 of the Florida Statutes authorizes the Commission to review and approve the recovery of prudently incurred Environmental Compliance Costs.
2. FPL seeks Commission approval of the ECR Factors for the period January 2010 through December 2010 as set forth in the testimony and documents of Mr. Keith, and in Attachment

DOCUMENT NUMBER-DATE

08968 AUG 28 09

FPSC-COMMISSION CLERK

I to this Petition. FPL is requesting recovery of total projected jurisdictional environmental costs, adjusted for revenue taxes, in the amount of \$168,558,816 representing \$174,734,516 of 2010 environmental project costs decreased by the estimated/actual true-up over-recovery of \$3,602,753 for the period January 2009 through December 2009 and by the final over-recovery of \$2,694,222 for the period January 2008 through December 2008, as filed on April 1, 2009. The calculations of environmental costs for the period January 2010 through December 2010 are contained in Commission schedules 42-1P through 42-7P which are attached as Appendix I to Mr. Keith's prepared testimony.

3. FPL witness R.R. LaBauve's prepared testimony and documents present and support a new environmental compliance activity for recovery through the ECR Clause: the NESHAP ICR Project. Mr. LaBauve's prepared testimony also discusses the expansion of the MTHS Project originally filed in this docket on April 13, 2009, to cover the Cape Canaveral Plant. Mr. LaBauve's testimony includes a description of these projects, an identification of the environmental laws or regulations requiring FPL to undertake the projects, the forecasted costs associated with the projects, a description of the steps FPL is taking to ensure that the environmental compliance costs to be incurred by FPL pursuant to the projects are prudent, and a demonstration of the appropriateness of the projects. This information shows that the NESHAP ICR Project and the expansion of the MTHS Project meet the requirements for recovery set forth in section 366.8255 of the Florida Statutes and that the forecasted environmental compliance costs associated with the projects are reasonable.

4. The NESHAP ICR Project will be required by an information collection request from the Environmental Protection Agency (EPA), which is mandated by the Clean Air Act Section 114 and is expected to be published as a proposed rule by December of 2009. The ICR requires FPL

to perform emission testing and fuel sampling on ten of its oil and coal-fired generating units. The purpose of the NESHAP ICR Project is to comply with the EPA data collection and testing requirements for the units that have been identified in EPA's proposed ICR rule.

5. The MTHS Project at the Cape Canaveral Plant is required by the State of Florida Industrial Wastewater Facility (IWWF) Permit Number FL0001473 issued by the Department of Environmental Protection (DEP). Condition 9 under Section I, Subsection E, of the IWWF requires FPL to comply with the facility's Manatee Protection Plan (MPP) approved by the DEP on December 21, 2000, which states that the Cape Canaveral Plant must endeavor to maintain water discharge temperatures to sustain manatees during cold weather events. The MTHS Project at the Cape Canaveral Plant is an extension to the original MTHS Project filed with the Commission in Docket No. 090007-EI, on April 13, 2009, which applied to the Riviera Plant. The purpose of the MTHS Project at the Cape Canaveral Plant is to comply with the MPP by installing an electric heating system at the Cape Canaveral Plant to provide a temporary "manatee refuge" from its decommissioning in April 2010 until its conversion to the Cape Canaveral Clean Energy Center is complete in June 2013.

WHEREFORE, FPL respectfully requests the Commission to approve (1) the Environmental Cost Recovery Factors set forth in Attachment I to this Petition for the January 2010 through December 2010 billing period, effective starting with meter readings scheduled to be read on or after Cycle Day 1, and to continue these charges in effect until modified by subsequent order of this Commission, (2) the NESHAP ICR Project, and (3) expansion of the Manatee Temporary Heating System Project to cover the Cape Canaveral Plant, such that the reasonable costs incurred by FPL in connection with these projects subsequent to the date of this petition may be recovered through the ECR Clause.

Respectfully submitted,

R. Wade Litchfield
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By: Damaris Rodriguez for
John T. Butler
Florida Bar No. 283479

CERTIFICATE OF SERVICE

Docket No. 090007-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power Light Company's Petition for Approval of Environmental Cost Recovery Factors for the Period January 2010 through December 2010, the NESHAP Information Collection Request Project and Expansion of the MTHS Project has been furnished by hand delivery (*) or U.S. Mail this 28th day of August, 2009, to the following:

Martha Brown, Esq.*
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By: 
John T. Butler
Fla. Bar No. 283479

Florida Power & Light Company
Environmental Cost Recovery Clause
Calculation of Environmental Cost Recovery Clause Factors
January 2010 to December 2010

<u>Rate Class</u>	(1) Percentage of KWH Sales at Generation (%)	(2) Percentage of 12 CP Demand at Generation (%)	(3) Percentage of GCP Demand at Generation (%)	(4) Energy Related Cost (\$)	(5) CP Demand Related Cost (\$)	(6) GCP Demand Related Cost (\$)	(7) Total Environmental Costs (\$)	(8) Projected Sales at Meter (KWH)	(9) Environmental Cost Recovery Factor (\$/KWH)
RS1/RST1	51.75337%	56.57483%	55.17199%	\$22,171,313	\$69,962,152	\$1,134,041	\$93,267,506	52,217,498,280	0.00179
GS1/GST1	5.71763%	6.15059%	6.45572%	\$2,449,452	\$7,606,011	\$132,695	\$10,188,158	5,768,906,942	0.00177
GSD1/GSDT1/HLTF(21-499 kW)	24.09653%	22.17695%	22.21651%	\$10,323,033	\$27,424,682	\$456,653	\$38,204,368	24,314,106,089	0.00157
OS2	0.01313%	0.01525%	0.05064%	\$5,624	\$18,860	\$1,041	\$25,525	13,561,632	0.00188
GSLD1/GSLDT1/CS1/CST1/HLTF(500-1,999 kW)	10.76618%	9.59367%	9.79705%	\$4,612,268	\$11,863,817	\$201,375	\$16,677,460	10,871,856,337	0.00153
GSLD2/GSLDT2/CS2/CST2/HLTF(2,000+ kW)	2.01987%	1.60433%	1.63675%	\$865,320	\$1,983,962	\$33,643	\$2,882,925	2,052,798,432	0.00140
GSLD3/GSLDT3/CS3/CST3	0.22253%	0.16141%	0.21136%	\$95,334	\$199,599	\$4,344	\$299,277	234,597,527	0.00128
ISST1D	0.00000%	0.00000%	0.00000%	\$0	\$0	\$0	\$0	0	0.00128
ISST1T	0.00000%	0.00000%	0.00000%	\$0	\$0	\$0	\$0	0	0.00115
SST1T	0.12455%	0.07550%	0.23090%	\$53,359	\$93,371	\$4,746	\$151,476	131,305,945	0.00115
SST1D1/SST1D2/SST1D3	0.00687%	0.00480%	0.00921%	\$2,942	\$5,933	\$189	\$9,064	7,094,737	0.00128
CILC D/CILC G	3.13089%	2.38372%	2.31942%	\$1,341,284	\$2,947,778	\$47,675	\$4,336,737	3,182,827,924	0.00136
CILC T	1.42605%	1.00992%	1.03600%	\$610,922	\$1,248,903	\$21,295	\$1,881,120	1,503,359,195	0.00125
MET	0.07706%	0.08170%	0.08468%	\$33,014	\$101,038	\$1,741	\$135,793	79,605,290	0.00171
OL1/SL1/PL1	0.56862%	0.11350%	0.73100%	\$243,597	\$140,355	\$15,025	\$398,977	573,716,639	0.00070
SL2, GSCU1	0.07671%	0.05383%	0.04876%	\$32,862	\$66,566	\$1,002	\$100,430	77,397,030	0.00130
TOTAL				\$42,840,325	\$123,663,026	\$2,055,465	\$168,558,816	101,028,632,000	0.00167

Note: There are currently no customers taking service on Schedules ISST1(D) or ISST1(T). Should any customer begin taking service on these schedules during the period, they will be billed using the applicable SST1 Factor.

- (1) From Form 42-6P, Col 11
- (2) From Form 42-6P, Col 12
- (3) From Form 42-6P, Col 13
- (4) Total Energy \$ from Form 42-1P, Line 5b x Col 1
- (5) Total CP Demand \$ from Form 42-1P, Line 5b x Col 2
- (6) Total GCP Demand \$ from Form 42-1P, Line 5b x Col 3
- (7) Col 4 + Col 5 + Col 6
- (8) Projected KWH sales for the period January 2010 through December 2010
- (9) Col 7 / Col 8 x 100