

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for increase in rates by Florida Power & Light Company.

DOCKET NO. 080677-EI

In re: 2009 depreciation and dismantlement study by Florida Power & Light Company.

DOCKET NO. 090130-EI  
ORDER NO. PSC-09-0627-PHO-EI  
ISSUED: September 16, 2009

AMENDMENT TO PREHEARING ORDER

On August 21, 2009, Prehearing Order No. PSC-09-0573-PHO-EI was issued in Docket Nos. 080677-EI and 090130-EI. Due to scriveners' errors, several corrections are necessary. Where information has been added, it appears underlined. Where information has been removed, it appears with overstrike. Only the items identified below are changed by this Amendment to the Prehearing Order. All other aspects of Order No. PSC-09-0573-PHO-EI are reaffirmed in every respect.

VI. ORDER OF WITNESSES

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
<u>Direct</u>		
+Stephen J. Baron (Not available September 3)	SFHHA	<u>140-142, 165, 166</u>
+Richard A. Baudino (Not available August 27 or September 3)	SFHHA	<u>59, 64, 66-68, 70-71, 73, 80-81, 120</u>
Lane Kollen	SFHHA	<u>4-7, 8, 9, 10, 11-14, 19A-C, 19E, 19F, 19G, 46-47, 51-52, 63, 101- 103, 108-120, 128, 129-135, 137</u>
<u>Rebuttal</u>		
J.A. Stall	FPL	<u>2, 5, 6, 8, 12, 45, 50, 51, 55, 56, 57, 60, 62, 63, 82, 88, 90, 91, 101, 122, 128, 130, 132, 135, 137 17, 102</u>

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

<u>Witness</u>	<u>Proffered By</u>	<u>Issues #</u>
Kathleen M. Slattery	FPL	<del>17, 47, 89, 90, 91, 95, 96, 98, 136, 139, 144, 145, 147, 166</del> <u>100, 102, 103, 106</u>
+Richard F. Meiseheid (not available September 2)	FPL	<del>17, 18, 19</del> <u>103</u>
C. Richard Clarke (only September 2)	FPL	18, 19, 33, 34, 131

### VIII. ISSUES AND POSITIONS

**ISSUE 69:** Have rate base and capital structure been reconciled appropriately?  
A. For the 2010 projected test year?  
B. If applicable, for the 2011 subsequent projected test year?

**FRF:** A. ~~No position.~~ No. Agree with OPC.  
B. The Commission should not grant a subsequent year adjustment for 2011.

**ISSUE 103:** Should an adjustment be made to FPL's requested level of Salaries and Employee Benefits?  
A. For the 2010 projected test year?  
B. If applicable, for the 2011 subsequent projected test year?

**OPC:** ~~See Issues 100-102, 104 and 105.~~ Yes. See issues 100-102. Additionally, jurisdictional executive salaries should be decreased by \$27.509 million in 2010 and \$29.400 million in 2011 to remove the portion of executive compensation that is designed to benefit shareholders and the portion that exceeds target compensation levels. (Former Issue 104).

Also, jurisdictional non-executive salaries should be decreased by \$5.661 million in 2010 and \$6.640 million in 2011 to remove the portion of non-executive compensation that is designed to benefit shareholders and the portion that exceeds target compensation levels. (Former Issue 105).

**FRF:** ~~Agree with OPC.~~  
A. Yes. Agree with OPC that jurisdictional executive salaries/compensation should be decreased by at least \$27.509 million in 2010, and that jurisdictional non-executive salaries should be decreased by at least \$5.661 million in 2010. See also positions on Issues 100-102.

B. Yes. If a subsequent year adjustment is granted, agree with OPC that jurisdictional executive salaries/compensation should be decreased by at least \$29.4 million in 2011, and that jurisdictional non-executive salaries should be decreased by at least \$6.640 million in 2011. See also positions on Issues 100-102.

**ISSUE 129:** Should FPL be permitted to collect depreciation expense for its new Customer Information System prior to its implementation date?

**FRF:** A. No position.  
B. No position.

**ISSUE 173A:** Should FPL evaluate the merits of an LED street lighting alternative to its conventional street lighting rate and, if so, how?

**FPL:** As a pilot program, in March 2009 FPL installed LED street lights at its Juno Beach facility. LED street light performance as well as energy consumption results will be monitored for one year. By June 1, 2010, FPL will provide the FPSC Staff the results of its pilot as well as future plans. While FPL does not currently offer an FPL-owned LED street light option, FPL is willing to work with customers on customer-owned LED street light facilities, where these street lights would only be charged for energy used. FPL has also developed a brochure for interested customers that provides information on FPL's LED pilot program as well as potential benefits and challenges of LED lighting.

**OPC:** Yes, FPL should be required to provide a study evaluating the merits of an LED street lighting alternative as soon as possible and report back to the Commission. The study should identify the parameters used by FPL to conduct its evaluation. Interested persons should have a right to address the study and any recommendations from the study in a separate, subsequent proceeding and agenda conference as a PAA matter.

**AFFIRM:** No position at this time.

**AG:** No position at this time.

**AIF:** No position at this time.

**CSD:** Adopts position of OPC.

**FEA:** No position at this time.

**FIPUG:** No position at this time.

**FRF:**            No position at this time.

**SFHHA:**        No position at this time.

**SCU-4:**        No position at this time.

**UNGER:**        No position at this time.

**STAFF:**        No position at this time.

IX.    EXHIBIT LIST


<u>Witness</u>	<u>Proffered By</u>		<u>Description</u>
<u>James A. Keener</u> <u>Pamela L. Sonnelitter</u>	FPL	JAK-1	2008 SGS Transmission Reliability Benchmarking Study All Voltages 2005-2007 (3 years)
<u>James A. Keener</u> <u>Pamela L. Sonnelitter</u>	FPL	JAK-2	FPL Transmission Lines Lightning Outages per 100,000 Strikes
<u>James A. Keener</u> <u>Pamela L. Sonnelitter</u>	FPL	JAK-3	Transmission Line Bird Outages 1998-2008
<u>James A. Keener</u> <u>Pamela L. Sonnelitter</u>	FPL	JAK-4	Transmission Vegetation Events 1998-2008
<u>James A. Keener</u> <u>Pamela L. Sonnelitter</u>	FPL	JAK-5	Transformer Ages Year Ending 2008
<u>James A. Keener</u> <u>Pamela L. Sonnelitter</u>	FPL	JAK-6	Transmission Circuit Miles Years Since Installation

Based on the foregoing, it is

ORDERED by Commissioner Katrina J. McMurrian, as Prehearing Officer, that Order No. PSC-09-0573-PHO-EI is hereby amended to reflect the additions and deletions identified above. It is further

ORDERED that Order No. PSC-09-0573-PHO-EI is reaffirmed in all other respects.

By ORDER of Commissioner Katrina J. McMurrian, as Prehearing Officer, this 16<sup>th</sup> day of September, 2009.

  
KATRINA J. MCMURRIAN  
Commissioner and Prehearing Officer

( S E A L )

LCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.