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090001-EI

From: Cecilia Bradley [Cecilia.Bradley@myfloridalegal.com]
Sent: Wednesday, October 07, 2009 11:10 AM
To: Filings@psc.state.fl.us
Cc: CHRISTENSEN.PATTY; Cecilia Bradley; Cheryl Martin; Curtis Young; Erik Sayler; J. Beasley; James W. Brew; Jean Hartman; Jeffery A. Stone; John McWhirter; John Rogers; John T. Burnett; John T. Butler; Karen White; Karin Torain; Keino Young; Lee Willis; Lisa Bennett; Norman H. Horton; Paul Lewis, Jr.; Paula K. Brown; Schef Wright; Shayla McNeill; Susan Ritenour; Vicki Kaufman; Wade Litchfield
Subject: Electronic Filing 090001-EI Attorney General's Prehearing Statement
Attachments: 090001 Prehearing Statement.doc



090001
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Attached is the Attorney General's Prehearing Statement for filing in Docket No. 090001. Thank you for consideration of this matter.

(See attached file: 090001 Prehearing Statement.doc)

Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power)
Cost Recovery Clause with) DOCKET NO. 090001-EI
Generating Performance Incentive) FILED: October 6, 2009
Factor)
_____)

ATTORNEY GENERAL'S PREHEARING STATEMENT

The Attorney General, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-09-0142-PCO-EI, issued March 06, 2009, submits this Prehearing Statement.

APPEARANCES:

Cecilia Bradley
Senior Assistant Attorney General
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050
For the Attorney General On
behalf of the Citizens of the State of Florida.

1. **WITNESSES:**

None

2. **EXHIBITS:**

None

3. **STATEMENT OF BASIC POSITION**

None

4. **STATEMENT OF FACTUAL ISSUES AND POSITIONS**

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

COMPANY SPECIFIC FUEL ADJUSTMENT ISSUES

Progress Energy Florida, Inc.

ISSUE 1A: Should the Commission approve as prudent, PEF's actions to mitigate the volatility of natural gas, residual oil, and purchased power prices, as reported in PEF's April 2009 and August 2009 hedging reports?

AG: No position at this time.

ISSUE 1B: Should the Commission approve PEF's 2010 Risk Management Plan?

AG: No position at this time.

Florida Power & Light Company

ISSUE 2A: Should the Commission approve as prudent, FPL's actions to mitigate the volatility of natural gas, residual oil, and purchased power prices, as reported in FPL's April 2009 and August 2009 hedging reports?

AG: No position at this time.

ISSUE 2B: Should the Commission approve FPL's 2010 Risk Management Plan?

AG: No position at this time.

ISSUE 2C: With respect to the February 26, 2008 outages, should FPL or its customers be responsible for replacement power costs associated with the outages?

AG: No position at this time.

Florida Public Utilities Company

ISSUE 3A: Has FPUC pursued all reasonable avenues to protect its ratepayers from mid-course increases in fuel and demand charges from JEA in 2009?

AG: No position at this time.

ISSUE 3B: Should the Commission approve FPUC's proposal to use a portion of storm hardening revenues to mitigate increases to customers in the Northwest Division?

AG: No position at this time pending review of outstanding discovery.

Gulf Power Company

ISSUE 4A: Should the Commission approve as prudent, GULF's actions to mitigate the volatility of natural gas, residual oil, and purchased power prices, as reported in GULF's April 2009 and August 2009 hedging reports?

AG: No position at this time.

ISSUE 4B: Should the Commission approve GULF's 2010 Risk Management Plan?

AG: No position at this time.

ISSUE 4C: Should the Commission approve GULF's proposal to include the costs associated with construction and operation of the Perdido landfill Gas to Energy Facility in the fuel clause?

AG: No position at this time pending review of outstanding discovery.

Tampa Electric Company

ISSUE 5A: Should the Commission approve as prudent, TECO's actions to mitigate the volatility of natural gas, residual oil, and purchased power prices, as reported in TECO's April 2009 and August 2009 hedging reports?

AG: No position at this time.

ISSUE 5B: Should the Commission approve TECO's 2010 Risk Management Plan?

AG: No position at this time.

GENERIC FUEL ADJUSTMENT ISSUES

ISSUE 6: What are the appropriate actual benchmark levels for calendar year 2009 for gains on non-separated wholesale energy sales eligible for a shareholder incentive?

AG: No position at this time.

ISSUE 7: What are the appropriate estimated benchmark levels for calendar year 2010 for gains on non-separated wholesale energy sales eligible for a shareholder incentive?

AG: No position at this time.

ISSUE 8: What are the appropriate fuel adjustment true-up amounts for the period January 2008 through December 2008?

AG: No position at this time.

ISSUE 9: What are the appropriate fuel adjustment true-up amounts for the period January 2009 through December 2009?

AG: No position at this time.

ISSUE 10: What are the appropriate total fuel adjustment true-up amounts to be collected/refunded from January 2010 to December 2010?

AG: No position at this time.

ISSUE 11: What is the appropriate revenue tax factor to be applied in calculating each investor-owned electric utility's levelized fuel factor for the projection period January 2010 through December 2010?

AG: No position at this time.

ISSUE 12: What are the appropriate projected net fuel and purchased power cost recovery and Generating Performance Incentive amounts to be included in the recovery factor for the period January 2010 through December 2010?

AG: No position at this time.

ISSUE 13: What are the appropriate levelized fuel cost recovery factors for the period January 2010 through December 2010?

AG: No position at this time.

ISSUE 14: What are the appropriate fuel recovery line loss multipliers to be used in calculating the fuel cost recovery factors charged to each rate class/delivery voltage level class?

AG: No position at this time.

ISSUE 15: What are the appropriate fuel cost recovery factors for each rate class/delivery voltage level class adjusted for line losses?

AG: No position at this time.

ISSUE 16: What should be the effective date of the fuel adjustment charge and capacity cost recovery charge for billing purposes?

AG: No position at this time.

COMPANY-SPECIFIC GENERATING PERFORMANCE INCENTIVE FACTOR ISSUES

Progress Energy Florida, Inc.

No company-specific issues for Progress Energy Florida, Inc. have been identified at this time. If such issues are identified, they shall be numbered 17A, 17B, 17C, and so forth, as appropriate.

Florida Power & Light Company

No company-specific issues for Florida Power & Light Company have been identified at this time. If such issues are identified, they shall be numbered 18A, 18B, 18C, and so forth, as appropriate.

Gulf Power Company

No company-specific issues for Gulf Power Company have been identified at this time. If such issues are identified, they shall be numbered 19A, 19B, 19C, and so forth, as appropriate.

Tampa Electric Company

No company-specific issues for Tampa Electric Company have been identified at this time. If such issues are identified, they shall be numbered 20A, 20B, 20C, and so forth, as appropriate.

GENERIC GENERATING PERFORMANCE INCENTIVE FACTOR ISSUES

ISSUE 21: What is the appropriate generation performance incentive factor (GPIF) reward or penalty for performance achieved during the period January 2008 through December 2008 for each investor-owned electric utility subject to the GPIF?

AG: No position at this time.

ISSUE 22: What should the GPIF targets/ranges be for the period January 2010 through December 2010 for each investor-owned electric utility subject to the GPIF?

AG: No position at this time.

COMPANY-SPECIFIC CAPACITY COST RECOVERY FACTOR ISSUES

Progress Energy Florida, Inc.

ISSUE 23A: Has PEF included in the capacity cost recovery clause, the nuclear cost recovery amount ordered by the Commission in Docket No. 090009-EI?

AG: No position at this time.

Florida Power & Light Company

ISSUE 24A: Has FPL included in the capacity cost recovery clause, the nuclear cost recovery amount ordered by the Commission in Docket No. 090009-EI?

AG: No position at this time.

Gulf Power Company

No company-specific issues for Gulf Power Company have been identified at this time. If such issues are identified, they shall be numbered 25A, 25B, 25C, and so forth, as appropriate.

Tampa Electric Company

No company-specific issues for Tampa Electric Company have been identified at this time. If such issues are identified, they shall be numbered 26A, 26B, 26C, and so forth, as appropriate.

GENERIC CAPACITY COST RECOVERY FACTOR ISSUES

ISSUE 27: What are the appropriate capacity cost recovery true-up amounts for the period January 2008 through December 2008?

AG: No position at this time.

ISSUE 28: What are the appropriate capacity cost recovery true-up amounts for the period January 2009 through December 2009?

AG: No position at this time.

ISSUE 30: What are the appropriate total capacity cost recovery true-up amounts to be collected/refunded during the period January 2010 through December 2010?

AG: No position at this time.

ISSUE 31: What are the appropriate projected net purchased power capacity cost recovery amounts to be included in the recovery factor for the period January 2010 through December 2010?

AG: No position at this time.

ISSUE 32: What are the appropriate jurisdictional separation factors for capacity revenues and costs to be included in the recovery factor for the period January 2010 through December 2010?

AG: No position at this time.

ISSUE 33: What are the appropriate capacity cost recovery factors for the period January 2010 through December 2010?

AG: No position at this time.

5. **STIPULATED ISSUES**

The AG is not aware of any stipulated issues at this time.

6. **PENDING MOTIONS**

AG has no pending motions at this time.

7. **PENDING CONFIDENTIALITY CLAIMS OR REQUESTS**

AG has no pending requests for confidentiality at this time.

8. **OBJECTIONS TO WITNESS QUALIFICATIONS AS AN EXPERT**

AG has no objections to any witnesses' qualifications at this time.

9. COMPLIANCE WITH ORDER NO. PSC-09-0142-PCO-EI

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

Dated this 6th day of October, 2009.

Respectfully submitted,

/s/Cecilia Bradley
Cecilia Bradley
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Attorney General's Prehearing Statement was furnished to the following, by electronic mail, on this 6th day of October, 2009:

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Respectfully submitted,

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