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Sent: Monday, April 19, 2010 5:56 PM
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Subject: Docket No. 090505-EI
Attachments: AG's Posthearing Brief.doc; AG's Posthearing Brief.pdf



AG's

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earing Brief.pdf

Attached is the AG's Post-Hearing Brief for filing in Docket No. 090505-EI.
Thank you for your consideration in this matter.

(See attached file: AG's Posthearing Brief.doc)(See attached file: AG's Posthearing Brief.pdf)

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: Review Of Replacement Fuel Costs) Docket No. 090505-EI
Associated With The February 26, 2008 Outage)
On Florida Power & Light's Electrical System) Filed: April 19, 2010

ATTORNEY GENERAL'S POST-HEARING BRIEF

Pursuant to Florida Public Service Commission Order No. PSC-09-0854-PCO-EI issued December 30, 2009, Attorney General McCollum files this brief.

Issue 1: How should the replacement power costs attributable to the February 26, 2008, outage be measured, and what is the amount of such costs?

AG Position: The Attorney General adopts the argument of Public Counsel with the following additions.

The Stipulation and Consent Decree between FERC, NERC and FPL was entered into evidence in these proceedings. Paragraph 2 under Stipulated Facts specifies that FPL stipulates to the following:

“2. On February 26, 2008, portions of the lower two-thirds of the Bulk Electric System (“BES”) in peninsular Florida experienced a loss of service to electric customers. **The event led to the loss of 22 transmission lines, 4,300 MW of generation**, and 3,650 MW of customer service or load. Approximately 596,000 FPL customer accounts and 354,000 non-FPL customer accounts were out of service, representing approximately 8% of Florida electric customer accounts.”

(emphasis added)

Since FPL has previously stipulated that the Flagami event led to the loss of 4,300 MW of generation (which included the two nuclear plants), it is disingenuous for them to now claim that they should not be held responsible for this loss to their customers.

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Accordingly, the Attorney General would submit that customers should receive the full \$15.9 million for their loss.

ISSUE 2: What is the appropriate method to credit customers for the replacement power costs determined pursuant to Issue 1?

AG's Position: The Attorney General would ask that the Commission award the refund as a one-time credit consistent with the manner in which it awarded the refund in the "Drill Hole Case," Docket No. 080001-EI. This one-time refund would allow customers to realize the full benefit of the refund.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of replacement fuel costs
associated with the February 26, 2008 outage
on Florida Power & Light's electrical system.

DOCKET NO. 090505-EI

DATED: FEBRUARY 17, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a correct copy of the Attorney General's Post-Hearing Brief
has been furnished by electronic mail to the following on this 19th day of April, 2010:

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