



Florida Power & Light Company, 215 S. Monroe St., Suite 810, Tallahassee, FL 32301
 Kenneth M. Rubin
 Senior Attorney
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 691-2512
 (561) 691-7135 (Facsimile)
 Kenneth.Rubin@fpl.com

May 3, 2010

RECEIVED - FPSC
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 COMMISSION CLERK

-VIA HAND DELIVERY -

Ms. Ann Cole, Director
 Division of the Commission Clerk and Administrative Services
 Florida Public Service Commission
 2540 Shumard Oak Blvd.
 Tallahassee, FL 32399-0850

Re: Docket No. 100002-EG

Dear Ms. Cole:

I am enclosing for filing in the above docket the following:

1. The original and seven (7) copies of Florida Power & Light Company's ("FPL") Petition for Approval of True-Up Amount for the Period January 2009 December 2009.
2. The original and fifteen (15) copies of the prefiled testimony and exhibits of FPL witnesses Terry J. Keith and Anita Sharma in support of the foregoing Petition.
3. The original and seven (7) copies of FPL's Request for Confidential Classification of portions of Schedule CT-6 to Exhibit AS-1. The original includes Attachments A, B, C and D. Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A-CONFIDENTIAL". Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been redacted. Attachment C contains FPL's justification for its request for confidential classification. Attachment D contains an affidavit in support of FPL's Request for Confidential Classification. In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

TESTIMONY
 DOCUMENT NUMBER - DATE
 03672 MAY -3 09

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COM 5
 APA 1
 ECP 1
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TESTIMONY
 PETITION
 1 - APA
 1 - GCL
 (ECP)

Petition
 DOCUMENT NUMBER - DATE
 03669 MAY -3 09

A
 ATTACHMENT
 Confidential
 DOCUMENT NUMBER - DATE
 03670 MAY -3 09

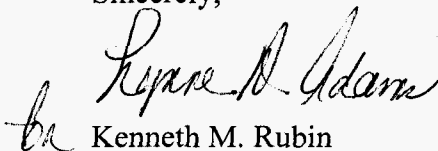
2 copies Attachment
 Request C.C. + B,C,D
 DOCUMENT NUMBER - DATE
 03671 MAY -3 09
 6 copies of Request C.C.

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Also included herewith is a CD containing electronic files of FPL's Petition for Approval of True-Up Amount and FPL's Request for Confidential Classification of Schedule CT-6 and Attachment C, together with a separate CD containing Microsoft Excel schedules which are included in Exhibit AS-1.

If there are any questions regarding this transmittal, please contact me at 561-691-2512.

Sincerely,


Kenneth M. Rubin

Enclosure

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)

Docket No. 100002-EG

Filed: May 3, 2010

FLORIDA POWER & LIGHT COMPANY'S
PETITION FOR APPROVAL OF TRUE-UP AMOUNT

Pursuant to Order No. PSC-10-0118-POC-EG, issued on February 26, 2010 in the above-referenced Docket, Florida Power & Light Company ("FPL") petitions the Florida Public Service Commission ("Commission") for approval of an underrecovery of \$5,558,898 as FPL's net true-up amount for the January 2009 through December 2009 Energy Conservation Cost Recovery ("ECCR") final true-up period. In support of this Petition, FPL states as follows:

1. FPL is a public utility subject to the Commission's jurisdiction pursuant to Chapter 366, Florida Statutes. Pursuant to Section 366.82, Florida Statutes, and Rule 25-17.015, Florida Administrative Code, FPL has an ECCR clause through which it recovers its reasonable and prudent unreimbursed costs for conservation audits, conservation programs, and implementation of FPL's conservation plan. FPL has substantial interests in the proper calculation and recovery of its ECCR factor and the final true-up which is used in the computation of FPL's ECCR factor.

2. FPL seeks Commission approval of an underrecovery of \$5,558,898 as the net true-up amount for the period January 2009 through December 2009. FPL's final net true-up for January 2009 through December 2009 was calculated consistently with the methodology set forth in Schedule 1, page 2 of 2, attached to Order No. 10093, dated June 19, 1981. This calculation and the supporting documentation are contained in Exhibit AS-1, an exhibit co-

DOCUMENT NUMBER-DATE

03669 MAY-3 2010

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sponsored by Witnesses Anita Sharma and Terry J. Keith whose testimony is being filed contemporaneously with this Petition. Exhibit AS-1 consists of (a) the Energy Conservation Cost Recovery True-Up Reporting Forms that FPL and other utilities were directed to file by the Commission's Electric & Gas Department memorandum dated April 14, 1982, (b) explanatory supplements to certain of the forms, (c) a complete list of account and subaccount numbers used for conservation cost recovery as required by Rule 25-17.015(3), Florida Administrative Code, and (d) documentation necessary to support claimed energy savings in conservation advertising as required by Rule 25-17.015(5), Florida Administrative Code.

3. Rule 25-17.015, Florida Administrative Code, provides, in pertinent part, that each utility seeking conservation cost recovery must file "an annual final true-up filing showing the common costs, individual program costs and revenues, and actual total ECCR revenues for the most recent 12-month historical period from January 1 through December 31 that ends prior to the annual ECCR proceedings." For the proceedings scheduled for November 2010, that twelve-month period is January 1, 2009 through December 31, 2009; therefore, FPL's true-up filing is for the twelve months January 2009 through December 2009.

4. FPL's current ECCR Factor -- approved by the Commission to be applied to customers' bills during the January 2010 through December 2010 period -- reflected an estimated/actual true-up underrecovery of \$8,951,582 for the January 2009 through December 2009 period. However, the actual end of period true-up underrecovery for the January 2009 through December 2009 period was \$14,510,480. The net true-up of \$5,558,898 for the period January 2009 through December 2009 is the difference between the actual end of period true-up underrecovery for the January 2009 through December 2009 period of \$14,510,480 and FPL's

approved estimated/actual true-up underrecovery of \$8,951,582. This \$5,558,898 is the amount that should be recovered on jurisdictional sales during FPL's next annual ECCR recovery period.

5. FPL is not aware of any disputed issues of material fact.

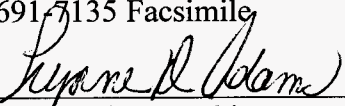
6. This is a petition requesting approval of a true-up amount for ECCR; it is not a petition in response to an agency action. Therefore, FPL cannot provide "a statement of when and how the petitioner received notice of the agency decision."

7. The approval of FPL's final ECCR net true-up underrecovery of \$5,558,898 for the period January 2009 through December 2009 is in the public interest. Section 366.82, Florida Statutes, and Rule 25-17.015, Florida Administrative Code, entitles FPL to relief.

WHEREFORE, FPL respectfully requests that the Commission approve an under recovery of \$5,558,898 as the final net true-up amount for the January 2009 through December 2009 period, and that the approved final net true-up amount be carried over and reflected in FPL's 2011 ECCR factors.

Respectfully submitted,

Wade Litchfield
Vice President and Chief Regulatory Counsel
Kenneth M. Rubin
Senior Attorney
700 Universe Boulevard
Juno Beach, FL 33408
(561) 691-2512 Telephone
(561) 691-7135 Facsimile

By: 
for Kenneth M. Rubin
Florida Bar No. 349038

CERTIFICATE OF SERVICE
Docket No. 100002-EG

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Petition for Approval of True-Up Amount along with the Testimony and Exhibit of Anita Sharma and Terry J. Keith were served by hand delivery (*) or mailed this 3rd day of May, 2010 to the following:

Katherine Fleming (*)
Lee Eng Tan
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
keflemin@psc.state.fl.us
Ltan@psc.state.fl.us

Office of Public Counsel
J. R. Kelly, Esq.
Patricia Ann Christensen, Esq.
Charlie Beck, Esq.
c/o The Florida Legislature
111 West Madison St., Room 812
Tallahassee, FL 32399-1400
Kelly.jr@leg.state.fl.us
Christensen.patty@leg.state.fl.us
beck.charles@leg.state.fl.us

Beggs & Lane Law Firm
Jeffrey Stone/Russell Badders/
Steven Griffin
Attorneys for Gulf Power Company
P.O. Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com
rab@beggslane.com

Ausley Law Firm
James Beasley/J. Jeffrey Wahlen
Attorneys for Tampa Electric Company
(TECO)
P.O. Box 391
Tallahassee, FL 32302
jbeasley@ausley.com
jwahlen@ausley.com

Gulf Power Company
Ms. Susan D. Ritenour
One Energy Place
Pensacola, FL 32520-0780
sdriteno@southernco.com

Tampa Electric Company
Paula K. Brown
Regulatory Affairs
P. O. Box 111
Tampa, FL 33601-0111

Florida Industrial Power Users Group
John W. McWhirter, Jr.
c/o McWhirter Law Firm
P.O. Box 3350
Tampa, FL 33601-3350
jmcwhirter@mac-law.com

Keefe Law Firm
Vicki Gordon Kaufman/Jon C. Moyle, Jr.
Attorneys for Florida Industrial Power
Users Groups (FIPUG)
118 North Gadsen Street
Tallahassee, FL 32301
vkaufman@kagmlaw.com
jmoyle@kagmlaw.com

Beth Keating, Esq.
Akerman Senterfitt
Attorneys for Florida Public Utilities
Company
106 East College Ave., Ste 1200
Tallahassee, FL 3230
Beth.keating@akerman.com

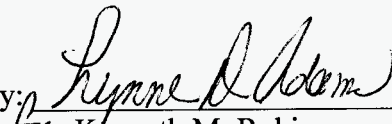
Florida Public Utilities Company
Joseph Eysie
P. O. Box 3395
West Palm Beach, FL 33402-3395

James W. Brew
F. Alvin Taylor
Attorneys for White Springs Agricultural
Chemicals, Inc.
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007
jbrew@bbrslaw.com
ataylor@bbrslaw.com

Randy Miller
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
15843 Southeast 78th Street
White Springs, FL 32096
rmiller@pcsphosphate.com

Progress Energy Service Company, LLC
John T. Burnett
P.O. Box 14042
St. Petersburg, FL 33733-4042
John.burnett@pgnmail.com

Progress Energy Florida, Inc.
Mr. Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740
Paul.lewisjr@pgnmail.com

By: 
for Kenneth M. Rubin