



Kenneth M. Rubin
 Senior Counsel
 Florida Power & Light Company
 700 Universe Boulevard
 Juno Beach, FL 33408-0420
 (561) 691-2512
 (561) 691-7135 (Facsimile)
 Ken.Rubin@fpl.com

October 8, 2012

-VIA HAND DELIVERY -

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

RECEIVED-FPSC
 12 OCT -8 PM 3:50
 COMMISSION
 CLERK

**Re: Docket No. 120002-EG
 Energy Conservation Cost Recovery Clause**

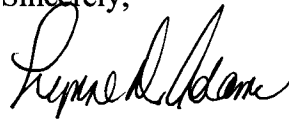
Dear Ms. Cole:

I am enclosing for filing in the above referenced docket the original and seven (7) copies of Florida Power & Light Company's Prehearing Statement.

Also included herewith is a CD containing an electronic file of FPL's Prehearing Statement in Word format.

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

Sincerely,


 Kenneth M. Rubin

Enclosures

cc: Counsel for parties of record (w/encl.)

COM	
AFD	4+CD
APA	
ECO	
ENG	
GCL	
IDM	
TEL	
CLK	

DOCUMENT NUMBER-DATE
 06858 OCT-8 02
 FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)
_____)

Docket No. 120002-EG

Filed: October 8, 2012

FLORIDA POWER & LIGHT COMPANY'S
PREHEARING STATEMENT

Florida Power & Light Company ("FPL"), pursuant to Order No. PSC-12-0062-PCO-EG, hereby files its prehearing Statement in Docket No. 120002-EG.

I. FPL WITNESSES

<u>Witness</u>	<u>Subject Matter</u>
Terry J. Keith	Issue 1, 3 & 4
Anita Sharma	Issue 2

II. EXHIBITS

<u>Exhibit</u>	<u>Content</u>	<u>Sponsoring Witness</u>
AS-1	Schedules CT-1	T.J. Keith
AS-1	Schedules CT-2 and CT-3	T.J.Keith/A. Sharma
AS-1	Schedule CT-4	T.J. Keith
AS-1	Schedules CT-5 and CT-6, Appendix A	A. Sharma
AS-2	Schedule C-1 and C-4	T.J. Keith
AS-2	Schedule C-2 and C-3	T.J. Keith/A. Sharma
AS-2	Schedule C-5	A. Sharma

III. STATEMENT OF BASIC POSITION

DOCUMENT NUMBER-DATE

06858 OCT-8 12

FPSC-COMMISSION CLERK

FPL's proposed Conservation Cost Recovery Factors for the January 2013 through December 2013 recovery period and true-up amounts for the prior period should be approved.

IV. ISSUES AND POSITIONS

ISSUE 1: What are the final conservation cost recovery true-up amounts for the period January 2011 through December 2011?

FPL: \$8,586,294 over recovery. (KEITH)

ISSUE 2: What are the total conservation cost recovery amounts to be collected during the period January 2013 through December 2013?

FPL: \$226,820,100 including prior period true-up amounts and revenue taxes. (SHARMA)

ISSUE 3: What are the conservation cost recovery factors for the period January 2013 through December 2013?

FPL:

Rate Class	Conservation Recovery Factor (\$/KW)	Conservation Recovery Factor (\$/kwh)
RS1/RST1/RTR1/RSDPR1*	-	0.00233
GS1/GST1	-	0.00212
GSD1/GSDT1/HLTF(21-499 kW)	0.80	-
OS2		0.00211
GSLD1/GSLDT1/CS1/CST1/HLTF(500-1,999 kW)	0.85	-
GSLD2/GSLDT2/CS2/CST2/HLTF(2,000+ kW)	0.95	-
GSLD3/GSLDT3/CS3/CST3	1.03	-
ISST1D	**	-
ISST1T	**	-
SST1T	**	-
SST1D1/SST1D2/SST1D3	**	-
CILC D/CILC G	1.06	-
CILC T	1.03	-
MET	0.96	-
OL1/SL1/PL1	-	0.00149
SL2, GSCU1	-	0.00192

* For RSDPR-1 ECCR charge, see Tariff Sheet No. 8.030.2

	RDC ** (\$/kw)	SDD ** (\$/kw)
ISST1D	\$0.11	\$0.05
ISST1T	\$0.11	\$0.05
SST1T	\$0.11	\$0.05
SST1D1/SST1D2/ SST1D3	\$0.11	\$0.05

(KEITH)

ISSUE 4: What should be the effective date of the new conservation cost recovery factors for billing purposes?

FPL: FPL is requesting that the conservation cost recovery factors become effective with customer bills for January 2013 (cycle day 1) through December 2013 (cycle day 21). This will provide for 12 months of billing for all customers. Thereafter, FPL's conservation cost recovery factors should remain in effect until modified by the Commission. (KEITH)

Southern Alliance for Clean Energy's Generic Proposed Cost Recovery Issues

ISSUE 8: Does the utility have a measurement plan in place to ensure that energy savings associated with its ECCR factors are accurate?

FPL: FPL objects to the inclusion of SACE's proposed issue, which is not in fact a "cost recovery issue" notwithstanding the use of that term by SACE. Rule 25-17.015(1), F.A.C., which defines the scope of these proceedings, reads in pertinent part as follows: "Each utility over which the Commission has ratemaking authority may seek to recover its costs for energy conservation programs." In short, this docket is limited to cost recovery for Commission approved programs. FPL's filings in this docket are consistent with that stated objective, as are the tentative generic and company specific issues identified by the Commission in Section III ("Tentative List of Issues"), Attachment A, of the Commission's Order Establishing Procedure (Order No. PSC-12-0062-PCO-EG). The question of whether the utility has "a measurement plan in place to ensure that energy savings associated with its ECCR factors are accurate" raises DSM program-specific issues well beyond the scope of these proceedings which, if an appropriate subject of litigation, should be addressed in the context of DSM plan approval or individual DSM program approval proceedings.

ISSUE 9: Does the utility have a verification plan in place to ensure that energy savings associated with its ECCR factors are accurate?

FPL: FPL objects to the inclusion of SACE’s proposed issue which is not in fact a “cost recovery issue” notwithstanding the use of that term by SACE. Rule 25-17.015(1), F.A.C., which defines the scope of these proceedings, reads in pertinent part as follows: “Each utility over which the Commission has ratemaking authority may seek to recover its costs for energy conservation programs.” In short, this docket is limited to cost recovery for Commission approved programs. FPL’s filings in this docket are consistent with that stated objective, as are the tentative generic and company specific issues identified by the Commission in Section III (“Tentative List of Issues”), Attachment A, of the Commission’s Order Establishing Procedure (Order No. PSC-12-0062-PCO-EG). The question of whether the utility has “a verification plan in place to ensure that energy savings associated with its ECCR factors are accurate” raises DSM program-specific issues well beyond the scope of these proceedings which, if an appropriate subject of litigation, should be addressed in the context of DSM plan approval or individual DSM program approval proceedings.

ISSUE 10: Does the utility have an evaluation plan in place to ensure optimal program impacts and performance?

FPL: FPL objects to the inclusion of SACE’s proposed issue which is not in fact a “cost recovery issue” notwithstanding the use of that term by SACE. Rule 25-17.015(1), F.A.C., which defines the scope of these proceedings, reads in pertinent part as follows: “Each utility over which the Commission has ratemaking authority may seek to recover its costs for energy conservation programs.” In short, this docket is limited to cost recovery for Commission approved programs. FPL’s filings in this docket are consistent with that stated objective, as are the tentative generic and company specific issues identified by the Commission in Section III (“Tentative List of Issues”), Attachment A, of the Commission’s Order Establishing Procedure (Order No. PSC-12-0062-PCO-EG). The question of whether the utility has “an evaluation plan in place to ensure optimal impacts and performance” raises DSM program-specific issues well beyond the scope of these proceedings which, if an appropriate subject of litigation, should be addressed in the context of DSM plan approval or individual DSM program approval proceedings.

V. STIPULATED ISSUES

None at this time.

VI. PENDING MOTIONS

FPL has no pending motions or other matters upon which it seeks action other than its pending petitions for approval.

VII. PENDING REQUEST FOR CONFIDENTIALITY

Florida Power and Light Company's first request for extension of confidential classification of information provided pursuant to Audit No. 09-350-4-1. DN 06537-12, X-Ref DNs 04844-10 and 05373-10, dated September 28, 2012

Florida Power and Light Company's request for confidential classification of material provided pursuant to Audit No. 12-010-4-3. DN 05085-12, dated July 30, 2012

Florida Power and Light Company's request for confidential classification of information provided in Schedule CT-6 to Exhibit AS-1. DN 02798-12, dated May 2, 2012

VIII. OBJECTIONS TO A WITNESS' QUALIFICATION AS AN EXPERT


None at this time.

IX. REQUIREMENTS OF THE PREHEARING ORDER THAT CANNOT BE MET

FPL believes it has complied with all the requirements regarding prehearing procedures.

Respectfully submitted this 8th day of October, 2012.

John Butler, Esq.
Assistant General Counsel
Kenneth M. Rubin, Esq.
Senior Counsel
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Prehearing Statement was served by electronic mail this 8th day of October, 2012 to the following:

Lee EngTan, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Ltan@psc.state.fl.us

Office of Public Counsel
J. R. Kelly, Esq.
Patricia Ann Christensen, Esq.
C. Rehwinkel, 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
Rehwinkel.charles@leg.state.fl.us

Beggs & Lane Law Firm
Jeffrey Stone, Esq./Russell Badders, Esq./
Steven Griffin, Esq.
Attorneys for Gulf Power Company
501 Commendancia Street
Pensacola, FL 32502-5953
jas@beggslane.com
rab@beggslane.com
srg@beggsland.com

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

Bruce Kershner, Esq.
Attorney for Florida Solar Energy Industries
Association
231 West Bay Avenue
Longwood, FL 32750-4125
bruce@flaseia.org

Vicki Gordon Kaufman, Esq.
Jon C. Moyle, Jr., Esq.
Moyle Law Firm, P.A.
Attorneys for Florida Industrial Power
Users Groups (FIPUG)
118 North Gadsden Street
Tallahassee, FL 32301
vkaufman@moylelaw.com
jmoyle@moylelaw.com

Beth Keating, Esq.
Gunster Firm
Attorneys for FPUC
215 So. Monroe St., Suite 618
Tallahassee, Florida 32301- 1804
bkeating@gunster.com

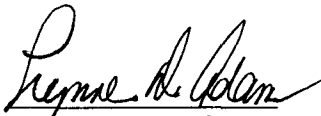
Progress Energy Service Company, LLC
John T. Burnett, Esq.
Diane Triplett, Esq.
P.O. Box 14042
St. Petersburg, FL 33733-4042
John.burnett@pgnmail.com
Dianne.triplett@pgnmail.com

James W. Brew, Esq.
F. Alvin Taylor, Esq.
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

Samuel Miller, Capt., USAF
USAF/AFLOA/JACL/ULFSC
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319
Attorney for the Federal Executive
Agencies
samuelmiller@tyndall.af.mil

Suzanne Brownless, Esq.
Suzanne Brownless, P.A.
Attorney for Florida Solar Energy Industries
Association (FlaSEIA)
1301 Miccosukee Road
Tallahassee, FL 32308
suzannebrownless@comcast.net

Southern Alliance for Clean Energy
c/o George Cavros, Esq.
120 East Oakland Park Blvd., Suite 105
Fort Lauderdale, FL 33334
george@cavros-law.com

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