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November 21, 2012

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 COMMISSION
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-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

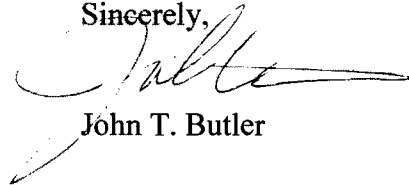
Re: Docket No. 120015-EI

Dear Ms. Cole:

On behalf of Florida Power & Light Company ("FPL"), I am enclosing for filing in the above docket the original and seven (7) copies of FPL's Notice of Intent to Implement Rates Pursuant to "File and Suspend" Provision.

Please contact me should you or your Staff have any questions regarding this filing.

Sincerely,



John T. Butler

Enclosure

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

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FPSC-COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida
Power & Light Company

Docket No. 120015-EI
Filed: November 21, 2012

**NOTICE OF INTENT TO IMPLEMENT RATES
PURSUANT TO "FILE AND SUSPEND" PROVISION**

Florida Power & Light Company ("FPL" or the "Company") hereby gives notice of its intent to implement on January 2, 2013 -- pursuant to the "file and suspend" provisions of Section 366.06(3), Florida Statutes, and subject to refund -- the rates that it filed with its rate petition on March 19, 2012 (the "Filed Rates"). If, however, prior to that date the Commission approves the Stipulation and Settlement that was jointly filed for approval by FPL, the Florida Industrial Power Users Group, the South Florida Hospital and Healthcare Association and the Federal Executive Agencies on August 15, 2012 (the "Proposed Settlement Agreement"), then FPL will implement on January 2, 2013 the rates contained in Exhibit B to the Proposed Settlement Agreement (the "Settlement Rates").¹

Further, with regard to the potential implementation of the Filed Rates on January 2, the parties to Docket No. 120001-EI have stipulated to recovery in the Capacity Cost Recovery Clause ("CCRC") of the 2013 revenue requirements for West County Energy Center Unit 3 ("WCEC3"), limited to the projected 2013 fuel savings for WCEC3 (*i.e.*, \$132,989,000). The Filed Rates also provide for recovery of WCEC3 revenue requirements. In the event that the stipulation concerning CCRC recovery of WCEC3 revenue requirements is approved at the November 27, 2012 agenda

¹ If FPL puts the Settlement Rates into effect on January 2, 2013, such rates would not include the late payment charge increase contained in the Proposed Settlement Agreement. Rather, FPL would waive its right to implement this increase until the first cycle day 30 days after approval of the Proposed Settlement Agreement (*i.e.*, January 16, 2013). On October 1, 2012, FPL filed its Petition for Base Rate Increase for Extended Power Uprate Systems Placed in Commercial Service ("EPU Base Rate Petition") in Docket No. 120244-EI, reflecting approximately \$1.8 billion of plant being placed into service in 2012. The summary of the tariff rate increases for the Extended Power Uprates was included in Attachment C to the EPU Base Rate Petition (the "EPU Rates"). FPL's filing requests that these EPU Rates be added to its base rates effective January 2, 2013 (the first billing cycle day in 2013). FPL's Petition on the EPU Rates is scheduled to be considered by the Commission at the November 27, 2012 Agenda Conference. The rates that FPL puts into effect on January 2, 2013 will reflect the EPU increase that the Commission approves at that time.

conference, FPL would reduce the Filed Rates that are implemented subject to refund on January 2 by \$132,989,000 in order to avoid over-recovery for WCEC3.

Under Section 366.06(3), FPL is entitled to implement the Filed Rates “or any portion not consented to” if the Commission does not make a decision on FPL’s rate petition within eight months. The eight-month period expired on November 19, 2012. Under the current schedule in this docket, the Commission will not make a decision prior to that date. Pursuant to the Stipulation and Settlement that was approved in Order No. PSC-11-0089-S-EI, FPL agreed not to put new rates into effect until after the last billing cycle in December 2012. FPL’s first billing cycle thereafter is January 2, 2013.²

FPL is thus authorized by the “file and suspend” provisions of Section 366.06(3) to implement the Filed Rates on January 2, 2013, subject to refund. The Commission is scheduled to consider the Proposed Settlement Agreement at a special agenda conference on December 13, 2012. If the Commission approves the Proposed Settlement Agreement at the December 13 special agenda conference, then FPL intends to implement the Settlement Rates, rather than the Filed Rates, on January 2, 2013. This approach would provide a smooth and seamless transition. It would avoid the confusion and disruption that would result from implementing the Filed Rates for January 2-15, 2013, then switching to the Settlement Rates on January 16 and making a refund for the brief period during which the Filed Rates were in effect.³

The Settlement Rates constitute a “portion of the [Filed Rates] not consented to.” Therefore, FPL is entitled by the express terms of Section 366.06(3) to implement them in lieu of the Filed Rates. *See also Transwestern Pipeline Co.*, 36 FERC P 61,175, at p. 61,338 (1986),

² The tariff sheets for both the Filed Rates and the Settlement Rates state that they are to be effective on January 1, 2013. However, FPL does not intend to implement new rates before January 2, 2013 because that is the first billing cycle day in January 2013 and is the effective date requested in FPL’s March 19, 2012 rate petition.

³ January 16, 2013 is the first billing cycle more than 30 days after the December 13, 2012 special agenda conference. If the Commission approved the Proposed Settlement Agreement at the special agenda conference, January 16 thus would be the first day on which FPL could implement that decision pursuant to *Gulf Power Co. v. Cresse*, 410 So.2d 492 (Fla. 1982).

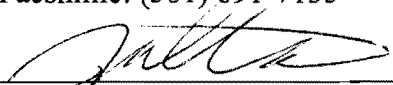
aff'd, Transwestern Pipeline Co. v. FERC, 820 F.2d 733 (5th Cir. 1987)(FERC allowed Transwestern Pipeline Company to put settlement rates into effect in lieu of the initial filed and suspended rates).⁴

FPL intends to provide all customers at least 30 days' notice of its intent to implement the Filed Rates subject to refund on January 2, 2013. In order to do so, FPL will start notifying customers via messages in their bills no later than December 3, 2012. If the Commission approves the Proposed Settlement Agreement at the December 13 special agenda conference, then FPL would promptly switch on December 14 to notifying customers of its intent to implement the Settlement Rates on January 2, 2013.

Respectfully submitted this 21st day of November 2012.

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By: _____


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⁴ Similarly, the Filed Rates less the \$132,989,000 of WCEC3 revenue requirements that are to be recovered through the CCRC would represent a "portion of the [Filed Rates] not consented to."

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Expedited Approval to Implement Settlement Rates in Lieu of Filed Rates has been furnished electronically this 21st day of November 2012, to the following:

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