

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: December 27, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Office of the General Counsel (Bennett)
Division of Economic Regulation (Kummer)

RE: Docket No. 041291-EI – Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

AGENDA: 01/09/07 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\041291.RCM.DOC

Discussion of Issues

Issue 1: Should Docket No. 041291-EI be closed?

Recommendation: Yes, this docket should be closed.

Staff Analysis: On November 3, 2006, Florida Power and Light Company (FPL) filed an emergency petition in Docket Nos. 041291-EI¹ and 060001-EI² seeking approval of a storm cost recovery transition charge. Docket No. 041291-EI was reopened to take up this emergency

¹ In re: Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

² In re: Fuel and purchased power cost recovery clause with generating performance incentive factor.

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petition which the Commission considered during the course of the November 6-8, 2006, fuel hearing. By Order No. PSC-06-1062-TRF-EI, issued December 26, 2006, the tariff at issue was approved. Accordingly, staff recommends Docket No. 041291-EU should be closed. Since Docket No. 060001-EI is an ongoing proceeding, there is no need to address the closure of that docket.