FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: Tuesday, October 12, 2010, 9:30 a.m.

LOCATION: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

DATE ISSUED: October 8, 2010

NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

Agendas, staff recommendations, vote sheets, transcripts, and conference minutes are available from the PSC Web site, http://www.floridapsc.com, by selecting *Agenda & Hearings* and *Agenda Conferences of the FPSC*. By selecting the docket number, you can advance to the *Docket Details* page and the Document Index Listing for the particular docket. If you have any questions, contact the Office of Commission Clerk at (850) 413-6770 or e-mail the clerk at Clerk@psc.state.fl.us.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Commission Conference has a live video broadcast the day of the conference, which is available from the PSC's Web site. Upon completion of the conference, the video will be available from the Web site by selecting *Agenda and Hearings* and *Audio and Video Event Coverage*.

Table of Contents
Commission Conference Agenda
October 12, 2010

ITEM NO.	CASE

1** **Consent Agenda**

A) Docket No. 100393-EI – Application for authority to issue and sell securities for 12 months ending December 31, 2011, by Tampa Electric Company.

Tampa Electric Company ("Company") seeks the authority to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term or short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety during calendar year 2011. The Company also seeks authority to enter into interest rate swaps or other derivative instruments related to debt securities during calendar year 2011.

The amount of all equity and long-term debt securities issued, sold, exchanged or assumed and liabilities and obligations assumed or guaranteed as guarantor, endorser, or surety will not exceed in the aggregate $1.2 billion during calendar year 2011, including any amounts issued to retire existing long-term debt securities. The maximum amount of short-term debt outstanding at any one time will be $900 million during calendar year 2011. This application is for both Tampa Electric Company and its local gas distribution division, Peoples Gas System.

In connection with this application, Tampa Electric Company confirms that the capital raised pursuant to this application will be used in connection with the activities of the Company's regulated electric and gas divisions and not the unregulated activities of the utilities or its affiliates.

For monitoring purposes, this docket should remain open until April 27, 2012 to allow the Company time to file the required Consummation Report.

Recommendation: The Commission should approve the action requested in this docket referenced above and close this docket.

ITEM NO.	CASE

2** **Docket No. 100380-WS** – Proposed repeal of Rule 25-10.026, F.A.C., Location and Preservation of Records; and Rule 25-10.111, F.A.C., Customer Billing.

Rule Status: Proposed

Commissioners Assigned: All Commissioners
Prehearing Officer: Brisé

Staff: GCL: Holley
ECR: Willis, Hewitt

Issue 1: Should the Commission propose the repeal of Rules 25-10.026, F.A.C. and 25-10.111, F.A.C.?
Recommendation: Yes. The Commission should propose the repeal of Rules 25-10.026 and 25-10.111 as set forth in Attachment A of staff's memorandum dated September 30, 2010.
Issue 2: Should this docket be closed?
Recommendation: Yes, if no requests for hearing or comments are filed, the rule repeals as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

ITEM NO. **CASE**

3** **Docket No. 100175-TL** – Complaint against AT&T d/b/a BellSouth for alleged violations of various sections of Florida Administrative Code, Florida Statutes, and AT&T regulations pertaining to billing of charges and collection of charges, fees, and taxes.
Docket No. 100312-EI – Complaint against Florida Power & Light Company for alleged violations of various sections of Florida Administrative Code, Florida Statutes, and FPL tariffs pertaining to billing of charges and collection of charges, fees, and taxes.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Edgar (100175-TL)
Skop (100312-EI)

Staff: GCL: Teitzman
ECR: Kummer
RAD: Beard

Issue 1: Should AT&T's Motion to Dismiss be Granted?
Recommendation: Yes. Petitioner's Complaint fails to state a claim upon which this Commission can grant relief. Accordingly, the Complaint should be dismissed with prejudice.
Issue 2: Should Florida Power & Light Company's Motion to Dismiss be Granted?
Recommendation: Yes. Petitioner's Complaint fails to state a claim upon which this Commission can grant relief. Accordingly, the Complaint should be dismissed with prejudice.
Issue 3: Should these dockets be closed?
Recommendation: If the Commission agrees with staff in Issues 1 and 2, then Petitioner's Complaints should be dismissed with prejudice, and these dockets should be closed.

ITEM NO. **CASE**

4 **Docket No. 090505-EI** – Review of replacement fuel costs associated with the February 26, 2008 outage on Florida Power & Light's electrical system.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Skop

Staff: GCL: Bennett
ECR: Lee, Roberts
RAD: Graves, Matthews

(Oral Argument Not Requested - Participation at the Discretion of the Commission. Motion for Reconsideration. Pursuant to Section 350.01, F.S., only Commissioners who voted on the final order may vote on reconsideration.)

Issue 1: Should the Commission reconsider its decision to credit FPL with 27 hours of time associated with the repair of the rod position indication system at Turkey Point Unit 3?

Recommendation: No. The Commission considered and evaluated all the record evidence in reaching its conclusion that the incremental time associated with the repair of the rod position indication system was 27 hours and not 126 hours. Because the Commission did not overlook or fail to consider the evidence in the record, FPL's motion for reconsideration should be denied.

Issue 2: Should the Commission reconsider its decision to require Florida Power & Light Company to refund the full 107 hours of outage at Turkey Point Unit 4, without giving credit for the time required to replace and test a malfunctioning relay in at the reverse power protection system?

Recommendation: No. The Commission did not overlook or fail to consider Order No. 23232, issued July 20, 1990, in Docket No. 900001-EI (Order No. 23232), in requiring a refund for the full outage time at Turkey Point Unit 4. The repair for the relay was not a planned outage. In Order No. 23232, a portion of the outage coincided with a planned outage.

Issue 3: Should the Commission make any corrections to the refund amount established in Order No. PSC-10-0381-EI?

Recommendation: No. The Commission did not overlook or fail to consider the factual and legal issues raised by FPL in reaching the Commission's decision to require a refund of $13,854,054 to ratepayers as a result of the February 26, 2008 outage.

Issue 4: Should this docket be closed?

Recommendation: Yes. Upon expiration of the time for appeal, if no appeal has been taken, this docket should be closed.

ITEM NO. **CASE**

4A**PAA **Docket No. 100155-EG** – Petition for approval of demand-side management plan of Florida Power & Light Company. (Deferred from the September 14, 2010 Commission Conference.)

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: RAD: Garl, Brown, Harlow, Lewis
GCL: Fleming, Sayler

Issue 1: Does FPL's proposed 2010 Demand-Side Management (DSM) Plan satisfy the Company's numeric conservation goals set by the Commission in Order No. PSC-09-0855-FOF-EG?

Recommendation: No. FPL's proposed DSM Plan fails to meet its residential goals in at least one category for eight years. Similarly, the Company's Plan does not meet all the annual commercial/industrial goals for eight years of the ten-year period. FPL's failure to meet its annual conservation goals may result in financial penalties or other appropriate action.

Consistent with Section 366.82(7), F.S., staff recommends that FPL file specific program modifications or additions that are needed for the 2010 DSM Plan to be in compliance with Order No. PSC-09-0855-FOF-EG within 30 days of the Commission's Order in this docket. The compliance filing should not include savings associated with FPL's solar pilot programs.

Issue 2: Are the programs contained in FPL's proposed 2010 DSM Plan cost-effective as this criterion is used in Commission Order No. PSC-09-0855-FOF-EG?

Recommendation: Yes. All programs in FPL's proposed 2010 DSM Plan pass the E-TRC and Participants tests. Audits, Pilot Programs, and Research & Development Programs are not included in this evaluation because they are not required to pass cost-effectiveness testing. FPL should be required to file program standards within 30 days of the Commission's Order in this docket.

The Commission should approve cost-effective programs to allow FPL to file for cost recovery. However, FPL must still demonstrate, during the cost recovery proceeding, that expenditures in executing its DSM Plan were reasonable and prudent. In addition, the Commission will evaluate FPL's compliance filing and make a final determination at that time regarding the cost-effectiveness of any modified or new programs.

ITEM NO. **CASE**

4**A****PAA **Docket No. 100155-EG** – Petition for approval of demand-side management plan of Florida Power & Light Company. (Deferred from the September 14, 2010 Commission Conference.)

(Continued from previous page)

Issue 3: Does FPL's proposed 2010 DSM Plan include pilot programs that encourage the development of solar water heating and solar PV technologies consistent with Commission Order No. PSC-09-0855-FOF-EG?

Recommendation: Yes. The cost of the proposed pilot programs is within the annual expenditure cap of $15,536,870 specified by Commission Order No. PSC-09-0855-FOF-EG. However, the allocation of funds to: (1) solar thermal vs. solar PV, (2) private customers vs. public institutions, and (3) low-income residential varies widely among the investor-owned utilities. If the Commission desires to have more uniformity among the IOUs' programs, then the Commission should initiate public workshops to explore that issue further.

Issue 4: Do any of the programs in FPL's proposed Demand-Side Management Plan have an undue impact on the costs passed on to customers?

Recommendation: No. The proposed program costs are not undue because the increase in program costs correlates with the increase in goals. The Commission should evaluate the Company's compliance filing and make a final determination in the ECCR proceedings regarding the appropriateness of incentive levels.

Issue 5: Should this docket be closed?

Recommendation: No. This docket should remain open for FPL to refile its demand-side management plan within 30 days from the date of this Order. In addition, if the Commission approves any programs, the programs should become effective on the date of the Consummating Order. If a protest is filed within 21 days of the issuance of the Order, the programs should not be implemented until after the resolution of the protest.

ITEM NO.	CASE

5**PAA **Docket No. 100378-EI** – Petition for approval of modifications to rate schedule BERS building energy rating system, by Gulf Power Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: RAD: Brown
GCL: Teitzman

Issue 1: Should the Commission approve Gulf Power Company's proposed modification to its BERS Rate Schedule?
Recommendation: Yes. Gulf Power's cost to offer BERS Audits have increased due to rising labor costs. The proposed modifications would increase the amount Gulf Power charges in its BERS Audit fee schedule to reflect the actual costs of the BERS Audit.
Issue 2: Should this docket be closed?
Recommendation: Yes. If the Commission approves staff's recommendation to approve the proposed modified rate schedule BERS filed by Gulf Power Company, and no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a Consummating Order.

ITEM NO.	CASE

6**PAA **Docket No. 100124-TX** – Petition for designation as eligible telecommunications carrier (ETC) by Sun-Tel USA, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Graham

Staff: RAD: C. Williams, Casey
GCL: Tan, Teitzman

Issue 1: Should Sun-Tel be granted landline ETC designation in the State of Florida?
Recommendation: Yes. Staff recommends that Sun-Tel be granted landline ETC designation status in the 86 non-rural AT&T wire centers listed in Attachment B of staff's memorandum dated September 30, 2010. If there is a future change of company ownership, the new owners should be required to file a petition with the FPSC and make a showing of public interest to maintain the company's ETC designation. If Sun-Tel is approved for ETC status, the Commission should also require Sun-Tel to submit the number of UNEs purchased from AT&T for each month during the quarter when it files its quarterly reports.
Issue 2: Should this docket be closed?
Recommendation: Yes. If no person whose substantial interests are affected files a protest to the Commission's Proposed Agency Action within 21 days of the issuance of the Commission Order, this docket should be closed upon issuance of a Consummating Order.

ITEM NO.	CASE

7**PAA

Docket No. 100288-TL – Petition of Quincy Telephone Company d/b/a TDS Telecom/Quincy, Smart City Telecommunications LLC d/b/a Smart City Telecom, GTC, Inc. d/b/a Fairpoint Communications, Northeast Florida Telephone Company d/b/a NEFCOM, ITS Telecommunications Systems, Inc., and Frontier Communications of the South, LLC, for waiver of requirements of Rules 25-4.0185, 25-4.066, 25-4.070, 25-4.073, and 25-4.110(6), F.A.C., relating to service quality or in the alternative the waiver of Rules 25-4.0185, F.A.C., relating to service quality reporting, and 25-4.073, F.A.C., relating to answer time requirements.

Critical Date(s): 11/15/10 - date by which rule waiver request must be ruled upon

Commissioners Assigned: All Commissioners
Prehearing Officer: Brisé

Staff: RAD: Watts
SSC: Vickery
GCL: Gervasi

Issue 1: Should the Commission grant the amended petition for waiver of the requirements of Rules 25-4.073 and 25-4.0185, F.A.C.?
Recommendation: Yes, the Commission should grant the amended petition for waiver of the requirements of Rules 25-4.073 and 25-4.0185, F.A.C.
Issue 2: Should this docket be closed?
Recommendation: Yes, if no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance date of the order arising from this recommendation, the docket should be closed upon the issuance of a consummating order.

ITEM NO.	CASE

8**PAA

Docket No. 100262-EI – Review of 2010 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Progress Energy Florida, Inc.
Docket No. 100263-EI – Review of 2010 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Tampa Electric Company.
Docket No. 100264-EI – Review of 2010 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Public Utilities Company.
Docket No. 100265-EI – Review of 2010 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Gulf Power Company.
Docket No. 100266-EI – Review of 2010 Electric Infrastructure Storm Hardening Plan filed pursuant to Rule 25-6.0342, F.A.C., submitted by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Brisé

Staff: ECR: L'Amoreaux, Dowds
GCL: Bennett, Jackson

Issue 1: Should the Commission approve Progress Energy Florida, Inc.'s (PEF) updated 2010-2012 storm hardening plan?
Recommendation: Yes, the Commission should approve the updated storm hardening plan filed by Progress Energy Florida, Inc.
Issue 2: Should the Commission approve Tampa Electric Company's (TECO) updated 2010-2012 storm hardening plan?
Recommendation: Yes, the Commission should approve the updated storm hardening plan filed by Tampa Electric Company.
Issue 3: Should the Commission approve Florida Public Utilities Company's (FPUC) updated 2010-2012 storm hardening plan?
Recommendation: Yes, the Commission should approve the updated storm hardening plan filed by Florida Public Utilities Company.
Issue 4: Should the Commission approve Gulf Power Company's (Gulf) updated 2010-2012 storm hardening plan?
Recommendation: Yes, the Commission should approve the updated storm hardening plan filed by Gulf Power Company.
Issue 5: Should the Commission approve Florida Power & Light Company's (FPL) updated 2010-2012 storm hardening plan?
Recommendation: Yes, the Commission should approve the updated storm hardening plan filed by Florida Power & Light Company.
Issue 6: Should these dockets be closed?
Recommendation: Yes. If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, these dockets should be closed upon the issuance of a consummating order.

ITEM NO.	CASE

9 **Docket No. 100009-EI** – Nuclear cost recovery clause.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Skop

Staff: ECR: Breman, Buys, Cicchetti, Davis, Hinton, Laux, Maurey
GCL: Young, Bennett, Jackson, Leveille, Williams
RAD: Garl

(Participation is Limited to Commissioners and Staff. Portions of the Recommendation are based on confidential material and access to the material is controlled.)

Issue 2: Do PEF's activities related to Levy Units 1 & 2 qualify as "siting, design, licensing, and construction" of a nuclear power plant as contemplated by Section 366.93, F.S.?

Recommendation: Yes. Staff recommends the Commission find that PEF's activities related to Levy Units 1 & 2 qualify as "siting, design, licensing, and construction" of a nuclear power plant as contemplated by Section 366.93, F.S, because these activities satisfy the statutory definition for preconstruction cost as defined pursuant to the statute.

Issue 3A: Does the Commission have the authority to require a "risk sharing" mechanism that would provide an incentive for a utility to complete a project within an appropriate, established cost threshold? If so, what action, if any, should the Commission take?

Recommendation: Staff recommends that the Commission defer resolution of this issue until the 2011 NCRC. Resolution of this issue impacts both FPL and PEF. FPL has requested a stay of this proceeding in all matters that impact FPL and there are no urgent matters stemming from this issue that require resolution at this time.

Issue 4: Should the Commission find that for the year 2009, PEF's accounting and costs oversight controls were reasonable and prudent for the Levy Units 1 & 2 project and the Crystal River Unit 3 Uprate project?

Recommendation: Yes, the Commission should find that PEF's accounting and costs oversight controls employed during 2009 for Levy Units 1 & 2 and the Crystal River Unit 3 Uprate projects were reasonable and prudent.

ITEM NO.	CASE
9	**Docket No. 100009-EI** – Nuclear cost recovery clause.

(Continued from previous page)

Issue 5: Should the Commission find that for the year 2009, PEF's project management, contracting, and oversight controls were reasonable and prudent for the Levy Units 1 & 2 project and the Crystal River Unit 3 Uprate project?

Recommendation: Staff recommends the Commission find that project management, contracting, and oversight controls employed by PEF during 2009 for the Levy Units 1 & 2 project were reasonable and prudent. Staff recommends that the Commission withhold making a finding concerning the prudence of the project management, contracting, and oversight controls employed by PEF during 2009 for the Crystal River Unit 3 Uprate project, especially as it relates to the LAR development process. A determination concerning the prudence of these controls and oversight activities should be included as an issue in the 2011 Nuclear Cost Recovery proceeding.

Issue 6: Should the Commission approve what PEF has submitted as its annual detailed analysis of the long-term feasibility of completing the Levy Units 1 & 2 project, as provided for in Rule 25-6.0423, F.A.C? If not, what action, if any, should the Commission take?

Recommendation: Yes. PEF presented evidence that it examined technical, regulatory, and economic factors impacting the long-term feasibility of the Levy Units 1 & 2 project which demonstrate that the project remains feasible. In addition, PEF provided the updated fuel and environmental forecasts, as well as an updated project cost estimate requested by the Commission.

Issue 7: Is PEF's decision to continue pursuing a Combined Operating License from the Nuclear Regulatory Commission for Levy Units 1 & 2 reasonable? If not, what action, if any, should the Commission take?

Recommendation: Staff recommends the Commission find PEF's decision to continue pursuing a Combined Operating License for Levy Units I & 2 reasonable at this time.

Issue 8: Should the Commission approve what PEF has submitted as its annual detailed analysis of the long-term feasibility of completing the Crystal River Unit 3 Uprate project, as provided for in Rule 25-6.0423, F.A.C? If not, what action, if any, should the Commission take?

Recommendation: Staff recommends that the Commission approve what PEF has submitted as its annual detailed analysis of the long-term feasibility of completing the Crystal River Unit 3 Uprate project. The Company presented evidence that it examined technical, regulatory, and economic factors impacting the long-term feasibility of the project.

ITEM NO. **CASE**

9 **Docket No. 100009-EI** – Nuclear cost recovery clause.

(Continued from previous page)

Issue 9: What system and jurisdictional amounts should the Commission approve as PEF's final 2009 prudently incurred costs and final true-up amounts for the Crystal River Unit 3 Uprate project?

Recommendation: Staff recommends that the Commission approve as reasonable the following Crystal River Unit 3 Uprate project final 2009 costs: capital costs in the amount of $118, 140,493 ($87,458,545 jurisdictional), O&M expenses of $821,773 ($762,529 jurisdictional), carrying charge of $14,351,595, and a base revenue requirement of $396,018. The Commission should also approve as reasonable a final 2009 true-up amount of negative $244,765 for use in determining the 2011 NCRC recovery amount. The final true-up amount is the summation of the following factors: $9,999 over-projection of 2009 O&M expenses, $122,005 under-projection of carrying charges, and a $356,771 over-projection of other adjustments. Staff recommends the Commission find that there is not enough information in the record at this time to determine the prudence of PEF's 2009 CR3 Uprate costs. Therefore, staff recommends the Commission revisit the issue of PEF's prudence concerning 2009 CR3 Uprate costs during the 2011 NCRC proceeding.

Issue 10: What system and jurisdictional amounts should the Commission approve as PEF's reasonably estimated 2010 costs and estimated true-up amounts for the Crystal River Unit 3 Uprate project?

Recommendation: Staff recommends that the Commission approve as reasonable the following Crystal River Unit 3 Uprate project estimated 2010 costs: capital costs of $66,334,227 ($32,827,539 jurisdictional), O&M expenses of $1,234,649 ($1,109,484 jurisdictional), carrying charges of $7,557,070, and a base revenue requirement of negative $746,776. The Commission should also approve as reasonable an estimated 2010 true-up amount of $2,379,874 for use in determining the 2011 NCRC recovery amount. The estimated true-up amount is the summation of the following factors: $895,281 under-projection of 2010 O&M expenses, $2,231,369 underprojection of carrying charges, and an over-projection of other adjustments in the amount of $746,776.

Issue 11: What system and jurisdictional amounts should the Commission approve as PEF's reasonably projected 2011 costs for the Crystal River Unit 3 Uprate project?

Recommendation: Staff recommends that the Commission approve as reasonable the following project 2011 costs for Crystal River Unit 3 Uprate project: capital cost of $67,829,699 ($52,297,867 jurisdictional), $481,102 ($423,093 jurisdictional), projected O&M expenses, carrying charges of $10,023,829, and a base revenue requirement of $3,424,764. The Commission should also approve as reasonable a projected 2011 amount of $13,871 ,686 for use in determining the 2011 NCRC recovery amount.

ITEM NO. **CASE**

9 **Docket No. 100009-EI** – Nuclear cost recovery clause.

(Continued from previous page)

Issue 12: What system and jurisdictional amounts should the Commission approve as PEF's final 2009 prudently incurred costs and final true-up amounts for the Levy Units 1 & 2 project?

Recommendation: Staff recommends the Commission approve as Prudent the following Levy Units 1 & 2 project final 2009 costs: capital costs in the amount of [redacted] ($255,963,530 jurisdictional), O&M expenses of $4,500,975 ($4,020,056 jurisdictional), carrying costs of $36,124,710, and a base revenue requirement of $7,619. The Commission should also approve as prudent a final 2009 true-up amount of $4,192,819 for use in determining the 2011 NCRC recovery amount. The final true-up amount is the summation of the following factors: $8,749,309 over-projection of 2009 pre-construction cost, $911,232 over-projection of O&M expenses, $13,845,741 under-projection of carrying costs, and a $7,619 under-projection of other adjustments.

Issue 13: What system and jurisdictional amounts should the Commission approve as reasonably estimated 2010 costs and estimated true-up amounts for PEF's Levy Units 1 & 2 project?

Recommendation: Staff recommends that the Commission approve as reasonable the following Levy Units 1 & 2 project 2010 estimated costs: capital costs of [redacted] ($143,951,411 jurisdictional), O&M expenses of $4,211,926 ($3,687,427 jurisdictional), and carrying costs of $50,652,578. The Commission should also approve as reasonable an estimated 2010 true-up amount of $8,121,477 for use in determining the 2011 NCRC recovery amount. The estimated true-up amount is the summation of the following factors: $11,835,352 under-projection of 2010 pre-construction costs, $745,625 over-projection of O&M expenses, and an over-projection of carrying costs in the amount of $2,968,249.

Issue 14 What system and jurisdictional amounts should the Commission approve as reasonably projected 2011 costs for PEF's Levy Units 1 & 2 project?

Recommendation: Staff recommends that the Commission approve as reasonable Levy Units 1 & 2 projected 2011 costs in the amount of $75,259,568 for use in determining the 2011 NCRC recovery amount. The recommended amount, based on a projected 2011 capital cost [redacted] ($48,464,396 jurisdictional), includes the following items: projected 2011 site selection and pre-construction costs in the amount of $25,056,735, projected O&M expenses of $4,343,901 ($3,823,883 jurisdictional), and carrying costs of $46,378,959.

ITEM NO.	CASE
9	**Docket No. 100009-EI** – Nuclear cost recovery clause.

(Continued from previous page)

Issue 15: What is the total jurisdictional amount to be included in establishing PEF's 2011 Capacity Cost Recovery Clause factor?

Recommendation: Staff recommends the Commission approve a total jurisdictional amount of $163,580,660 for the 2011 NCRC recovery amount. This amount should be used in establishing PEF's 2011 Capacity Cost Recovery Clause factor. The total 2011 recovery amount includes $60,000,000 amortization of the rate management deferred balance.

ITEM NO. **CASE**

10** **Docket No. 100400-WU** – Investigation of rates of O&S Water Company, Inc. in Osceola County for possible overearnings.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Fletcher, Maurey
GCL: Williams, Crawford

(Issue 1 - Interested Persons May Participate and Issues 2 and 3 - Participation is at the Discretion of the Commission.)
Issue 1: Should the Commission initiate an investigation of O&S Water Company, Inc. for possible overearnings?
Recommendation: Yes. The Commission should initiate an investigation of O&S Water Company, Inc. for possible overearnings.
Issue 2: Should any amount of annual water revenues be held subject to refund?
Recommendation: Yes. O&S should hold the following amount subject to refund.

	Adjusted Test Year Revenues	$ Decrease	Subject to Refund
Water	$1,205,487	($76,352)	6.33%

Issue 3: What is the appropriate security to guarantee the amount subject to refund?
Recommendation: The Utility should be required to open an escrow account or file a surety bond or letter of credit to guarantee any potential refund of revenues collected under interim conditions. If the security provided is an escrow account, the Utility should deposit $6,363 into the escrow account each month. Otherwise, the surety bond or letter of credit should be in the amount of $50,961. Further, an accurate and detailed account of all monies received should be kept by the Utility. By no later than the twentieth (20th) day of each month, the Utility shall file a report showing the amount of revenues collected each month subject to refund. Should a refund be required, the refund should be with interest and undertaken in accordance with Rule 25-30.360, F.A.C. In no instance shall maintenance and administrative costs associated with any refund be borne by the customers. These costs are the responsibility of, and should be borne by, the Utility.
Issue 4: Should this docket be closed?
Recommendation: No, this docket should remain open pending staff's investigation of the Utility's earnings for 2009.

ITEM NO.	CASE

11**PAA **Docket No. 090322-WU** – Request to establish payment plan for 2008 regulatory assessment fees by O&S Water Company, Inc. in Osceola County.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Skop

Staff: ECR: Kaproth
GCL: A. Williams

Issue 1: Should a payment plan be approved for the Regulatory Assessment Fees, Penalties, and Interest owed for 2004, 2008 and 2009?
Recommendation: No. O&S should be required to pay the past due RAFs of $127,789, including penalty and interest, for 2004, 2008, and 2009 by October 29, 2010. In addition, O&S should also be required to pay the past due RAFs, plus penalty and interest, for the January 1 to June 30, 2010 period by October 29, 2010. If O&S does not pay the 2010 RAFs and the unpaid 2004, 2008 and 2009 RAFs in full by October 29, 2010, staff should file a show cause recommendation to address the nonpayment of the unpaid RAFs.
Issue 2: Should this docket be closed?
Recommendation: Yes. If no person whose interests are substantially affected timely files a protest to the Commission's proposed agency action order, this docket should be closed upon issuance of a consummating order. If O&S does not pay the 2010 RAFs and the unpaid 2004, 2008 and 2009 RAFs by October 29, 2010, staff should open a new docket to file a show cause recommendation to address the nonpayment of the RAFs.

ITEM NO. **CASE**

12** **Docket No. 100381-WS** – Request for approval of tariff amendment to include a late payment fee of $5.25 in Orange County by Pluris Wedgefield, Inc.

Critical Date(s): 10/24/10 (60-Day Suspension Date)

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Bruce, Stallcup
GCL: Klancke

Issue 1: Should the Commission suspend Pluris Wedgefield, Inc.'s proposed tariffs to establish a late payment fee for its water and wastewater tariffs and miscellaneous service charges associated with connection, reconnections, and premises visits for its wastewater tariff?
Recommendation: Yes. Pluris Wedgefield, Inc's proposed tariff sheets to establish a late payment fee for its water and wastewater tariffs and miscellaneous service charges associated with connections, reconnections, and premises visits for its wastewater tariff should be suspended pending further analyses by staff.
Issue 2: Should this docket be closed?
Recommendation: No. The docket should remain open pending the Commission's final action on the Utility's requested approval to establish a late payment fee for its water and wastewater tariffs and miscellaneous service charges associated with connection, reconnections, and premises visits for its wastewater tariff.

ITEM NO.	CASE

13** **Docket No. 100366-WU** – Joint application for acknowledgment of sale of land and facilities located in Pasco and Hillsborough Counties, Florida to Pasco County, and cancellation of Certificate No. 235-W, by C. S. Water Company, Inc.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Golden, Donoho, Kaproth
GCL: Sayler

Issue 1: Should the transfer of the water facilities of C. S. Water Company, Inc. to Pasco County be acknowledged, as a matter of right, and Certificate No. 235-W be cancelled?
Recommendation: Yes. The transfer of the Crystal Springs water territory and facilities to Pasco County should be acknowledged, as a matter of right, pursuant to Section 367.071(4)(a), F.S., and Certificate No. 235-W should be cancelled effective July 1, 2010, which was the closing date of the sale. Crystal Springs should be required to pay all outstanding regulatory assessment fees (RAFs) for January 1, 2010, through July 1, 2010, by March 31, 2011.
Issue 2: Should this docket be closed?
Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed because no further action is necessary.

ITEM NO.	CASE

14**

Docket No. 080677-EI – Petition for increase in rates by Florida Power & Light Company.
Docket No. 090130-EI – 2009 depreciation and dismantlement study by Florida Power & Light Company.

Critical Date(s): None

Commissioners Assigned: Argenziano, Edgar, Skop
Prehearing Officer: Skop

Staff: ECR: Slemkewicz, Cicchetti, Draper, P. Lee, Lester
GCL: Kiser, Helton, Bennett

(Decision on Stipulation and Settlement)
Issue A: Should the Commission grant the Joint Petition to Assign Settlement Agreement to the Full Commission for Decision?
Recommendation: Yes. Pursuant to Section 350.01(6), Florida Statutes (F.S.), the full Commission should consider whether to approve the Stipulation and Settlement Agreement. The full Commission should also consider whether to approve Mr. Saporito's base rate petition.
Issue 1: Should the Commission approve the proposed Stipulation and Settlement?
Recommendation: Yes, the Commission should approve the proposed Stipulation and Settlement.
Issue 2: Should the Commission grant Thomas Saporito's Petition for Base Rate Proceeding?
Recommendation: No. The Commission should not grant the Petition for Base Rate Proceeding. The petition does not meet the requirements of Rule 28-106.201, F.A.C., because it fails to allege any material issue of disputed facts.
Issue 3: Should these dockets be closed?
Recommendation: Yes. These dockets should be closed upon the expiration of the time for appeal.

ITEM NO.	CASE

15**PAA **Docket No. 100410-EI** – Review of Florida Power & Light Company's Earnings.

Critical Date(s): None

Commissioners Assigned: All Commissioners
Prehearing Officer: Administrative

Staff: ECR: Slemkewicz, Maurey, Cicchetti, Springer, Willis
GCL: Bennett

Issue 1: Should the Commission initiate a review of Florida Power & Light Company's earnings?
Recommendation: Yes.
Issue 2: Should the Commission order FPL to hold earnings, for the 12-month period ending March 31, 2011, in excess of the authorized 11.00 percent maximum of the ROE range subject to refund under bond or corporate undertaking?
Recommendation: Yes. The Commission should order FPL to hold earnings, for the 12-month period ending March 31, 2011, in excess of the authorized 11.00 percent maximum of the ROE range subject to refund under a corporate undertaking.
Issue 3: Should this docket be closed?
Recommendation: No. This docket should remain open until staff has reviewed FPL's historical earnings data for the year ending March 31, 2011, and the Commission has determined the amount and appropriate disposition of overearnings.