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September 12, 2008

**-VIA HAND DELIVERY -**

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

RECEIVED-PPSC  
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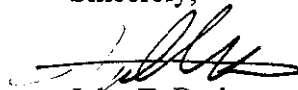
**Re: Docket No. 080002-EG**  
**Energy Conservation Cost Recovery Clause**

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Petition for Approval of its Conservation Cost Recovery Factors together with a computer diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word. Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and exhibit of FPL witness C. Dennis Brandt.

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

  
 John T. Butler

COM 5+1  
 ECR disk forwarded.  
 GCL 1 Enclosures  
 OPC cc: Counsel for parties of record (w/encl.)  
 RCP \_\_\_\_\_  
 SSC \_\_\_\_\_  
 SGA \_\_\_\_\_  
 ADM \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

08571 SEP 12 08

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Energy Conservation Cost )  
Recovery Clause )  
\_\_\_\_\_ )**

**Docket No. 080002-EG**

**FILED: September 12, 2008**

**PETITION OF FLORIDA POWER & LIGHT COMPANY FOR  
APPROVAL OF ITS CONSERVATION COST RECOVERY FACTORS**

Florida Power & Light Company ("FPL"), pursuant to Section 366.82(2), Florida Statutes (2001), Rule 25.17.015, Florida Administrative Code, Order No. PSC-93-0709-FOF-EG, and Order No. PSC-98-1084-FOF-PU, hereby petitions the Florida Public Service Commission ("Commission") for approval of the conservation cost recovery factors shown on Schedule C-1, page 3 of 3, attached hereto and incorporated by reference, to be applied during the January 2009 through December 2009 billing period and to continue in effect thereafter until modified by the Commission. The grounds for this Petition are:

1. The name and the address of the affected agency are:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

2. FPL's address is 9250 West Flagler Street, Miami, Florida 33174.

Correspondence, notices, orders, motions and other documents concerning this petition should be sent to:

Kenneth Hoffman  
Vice President  
Florida Power & Light Company  
215 South Monroe Street, Suite 810  
Tallahassee, Florida 32301  
(850) 521-3900 Telephone  
(850) 521-3939 Facsimile

R. Wade Litchfield, Esq.  
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DOCUMENT NUMBER-DATE

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**08571 SEP 12 8**

**FPSC-COMMISSION CLERK**

3. FPL is an investor-owned electric utility regulated by the Commission pursuant to Chapter 366, Florida Statutes. FPL is subject to the Florida Energy Efficiency Conservation Act ("FEECA"), and its Energy Conservation Cost Recovery ("ECCR") clause is subject to the Commission's jurisdiction. Pursuant to Rule 25-17.015(1)(d), Florida Administrative Code, and Order Nos. PSC-93-0709-FOF-EG, PSC-93-1845-FOF-EG and PSC-98-1084-FOF-PU (among others), the Commission has authorized conservation cost recovery factors. FPL's substantial interest in the recovery of its conservation-related expenditures will be affected by this proceeding.

4. FPL's conservation cost recovery factors were calculated consistent with the order establishing annual conservation cost recovery factors, Order No. PSC-93-0709-FOF-EG, and the order establishing the ECCR cost of service methodology, Order No. PSC-93-1845-FOF-EG. The factors are designed to recover the projected conservation program expenses for the period January 2009 through December 2009 adjusted for (a) the estimated true-up for the period January 2008 through December 2008, and (b) the final conservation true-up for the period January 2007 through December 2007, as well as an interest provision for both true-ups. The calculation of these factors and the supporting documentation are contained in the prepared testimony of FPL witness C. Dennis Brandt and in Exhibit DB-1, which are being filed with and are incorporated by reference in this Petition. Exhibit DB-1 consists of the conservation cost recovery forms that FPL and other utilities were directed to file by the Commission's Electric and Gas Department memorandum dated June 17, 1982.

5. FPL projects total conservation program costs, net of all program revenues, of \$183,601,086 for the period January 2009 through December 2009. The net true-up is an under recovery of \$21,833,146, which includes the final conservation true-up over recovery for January 2007 through December 2007 of \$4,685,620 that was reported in FPL's Schedule CT-1 filed

May 1, 2008. Increasing the projected costs of \$183,601,086 by the net true-up under recovery of \$21,833,146 results in a total of \$205,434,232 of conservation costs (plus applicable taxes) to be recovered during the January 2009 through December 2009 period. Total recoverable conservation costs and applicable taxes, net of program revenues and reflecting any applicable over or under recoveries are thus \$205,434,232, and the conservation cost recovery factors for which FPL seeks approval are designed to recover this level of costs and taxes.


6. FPL is not aware of any disputed issues of fact. This petition is not in response to a prior agency decision, so the petition cannot state when and how it "received notice of the agency decision." The commission should approve the conservation cost recovery factors shown on Schedule C-1, page 3 of 3. FPL is entitled to relief pursuant to Section 366.82(2), Florida Statutes, Rule 25-17.015, Florida Administrative Code, Order No. PSC-93-0709-FOF-EG, and Order No. PSC-98-1084-FOF-PU.

WHEREFORE, FPL respectfully petitions the Commission to approve for the billing period January 1, 2009 through December 31, 2009, and to continue in effect thereafter until modified by the Commission, the conservation cost recovery factors shown on Schedule C-1, page 3 of 3.

Respectfully submitted,

R. Wade Litchfield, Esq.  
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By: \_\_\_\_\_

  
John T. Butler  
Fla. Bar No. 283479

**CERTIFICATE OF SERVICE**

**Docket No. 080002-EG**

**I HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Petition for Approval of its Conservation Cost Recovery Factors and the testimony and exhibits of C. Dennis Brandt for the Period January 2009 through December 2009 has been furnished by hand delivery (\*) or U.S. mail on September 12, 2008, to the following:

Katherine Fleming\*  
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Florida Public Service Commission  
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Tallahassee, FL 32399-0850

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c/o The Florida Legislature  
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By: \_\_\_\_\_

  
JOHN T. BUTLER

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