

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090002-EG

Filed: May 1, 2009

**FLORIDA POWER & LIGHT COMPANY'S
PETITION FOR APPROVAL OF TRUE-UP AMOUNT**

Pursuant to Order No. PSC-09-0184-POC-EG, issued March 27, 2009 in the above-referenced Docket, Florida Power & Light Company ("FPL") petitions the Florida Public Service Commission ("Commission") for approval of an underrecovery of \$4,994,170 as FPL's net true-up amount for the January through December 2008 Energy Conservation Cost Recovery ("ECCR") final true-up period. In support of this Petition, FPL states as follows:

1. FPL is a public utility subject to the Commission's jurisdiction pursuant to Chapter 366, Florida Statutes. Pursuant to Section 366.82, Florida Statutes, and Rule 25-17.015, Florida Administrative Code, FPL has an ECCR clause through which it recovers its reasonable and prudent unreimbursed costs for conservation audits, conservation programs, and implementation of FPL's conservation plan. FPL has substantial interests in the proper calculation and recovery of its ECCR factor and the final true-up which is used in the computation of FPL's ECCR factor.

2. FPL seeks Commission approval of an underrecovery of \$4,994,170 as the net true-up amount for the period January through December 2008. FPL's final net true-up for January through December 2008 was calculated consistently with the methodology set forth in Schedule 1, page 2 of 2, attached to Order No. 10093, dated June 19, 1981. This calculation and the supporting documentation are contained in Exhibit LMH-1, an exhibit attached to the

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FPSC-COMMISSION CLERK

prepared testimony of FPL's witness Leonor M. Herrera, which is being filed contemporaneously with this Petition. Exhibit LMH-1 consists of (a) the Energy Conservation Cost Recovery True-Up Reporting Forms that FPL and other utilities were directed to file by the Commission's Electric & Gas Department memorandum dated April 14, 1982, (b) explanatory supplements to certain of the forms, (c) a complete list of account and subaccount numbers used for conservation cost recovery as required by Rule 25-17.015(3), Florida Administrative Code, and (d) documentation necessary to support claimed energy savings in conservation advertising as required by Rule 25-17.015(5), Florida Administrative Code.

3. Rule 25-17.015, Florida Administrative Code, provides, in pertinent part, that each utility seeking conservation cost recovery must file, "an annual final true-up filing showing the common costs, individual program costs and revenues, and actual total ECCR revenues for the most recent 12-month historical period from January 1 through December 31 that ends prior to the annual ECCR proceedings." For the proceedings scheduled for November 2009, that twelve-month period is January 1, 2008 through December 31, 2008; therefore, FPL's true-up filing is for the twelve months January through December 2008.

4. FPL's current ECCR Factor -- approved by the Commission to be applied to customers' bills during the January through December 2009 period -- reflected an estimated/actual true-up underrecovery of \$21,482,987 for the January through December 2008 period. However, the actual end of period true-up underrecovery for the January through December 2008 period was \$26,477,160. The net true-up of \$4,994,170 for the period January through December 2008 is the difference between the actual end of period true-up underrecovery for the January through December 2008 period of \$26,477,160 and FPL's approved

estimated/actual true-up underrecovery of \$21,482,987. This \$4,994,170 is the amount that should be recovered on jurisdictional sales during FPL's next annual ECCR recovery period.

5. FPL is not aware of any disputed issues of material fact.

6. This is a petition requesting approval of a true-up amount for ECCR; it is not a petition in response to an agency action. Therefore, FPL cannot provide "a statement of when and how the petitioner received notice of the agency decision."

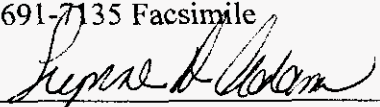
7. The approval of FPL's final ECCR net true-up underrecovery of \$4,994,170 for the period January through December 2008 is in the public interest. Section 366.82, Florida Statutes, and Rule 25-17.015, Florida Administrative Code, entitles FPL to relief.

WHEREFORE, FPL respectfully requests that the Commission approve an under recovery of \$4,994,170 as the final net true-up amount for the January through December 2008 period, and that the approved final net true-up amount be carried over and reflected in FPL's next ECCR factors.

Respectfully submitted,

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CERTIFICATE OF SERVICE
Docket No. 090002-EG

I **HEREBY CERTIFY** that a true and correct copy of Florida Power & Light Company's Petition for Approval of True-Up Amount along with the Testimony and Exhibits of Leonor M. Herrera were served by hand delivery (*) or mailed this 1st day of May, 2009 to the following:

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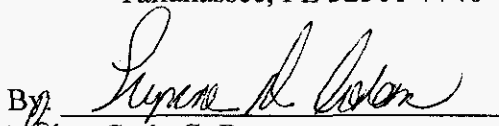
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