

**Ruth Nettles**

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**From:** Butler, John [John.Butler@fpl.com]  
**Sent:** Thursday, July 23, 2009 2:12 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martha Brown; 'fself@lawfla.com'  
**Subject:** E-Filing / Docket 090172-EI / Florida EnergySecure Pipeline / FPL's Notice of Amended Position on Issues 14 and 15  
**Attachments:** FPL Notice of Amended Positions on Issues 14 and 15.doc; FPL Notice of Amended Positions on Issues 14 and 15.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 090172 - EI  
In RE: Florida Power & Light Company's Petition to Determine Need for FPL Florida EnergySecure Pipeline

c. The Document is being filed on behalf of Florida Power & Light Company.

d. There are a total of 3 pages

e. The document attached for electronic filing is Florida Power & Light Company's Notice of Amended Position on Issues 14 and 15.

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DOCUMENT NUMBER-DATE

07499 JUL 23 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to determine need for Florida )  
EnergySecure Pipeline by )  
Florida Power & Light Company )

Docket No: 090172-EI  
Served: July 23, 2009

**FLORIDA POWER & LIGHT COMPANY'S  
NOTICE OF AMENDED POSITION ON ISSUES 14 AND 15**

Florida Power & Light Company ("FPL") hereby gives notice of its amended positions on Issues 14 and 15:

**ISSUE 14:** If FPL owns and operates the Florida EnergySecure Line as proposed, will it be subject to the Commission's jurisdiction as an intrastate pipeline company pursuant to Chapter 368, Florida Statutes?

**FPL:** FPL is not pursuing the Florida EnergySecure Line in order to sell gas transportation service to third parties; rather, it is being pursued to provide cost-effective, reliable and diverse gas transportation to serve FPL's own electric generation needs. The pipeline will be an important part of FPL's infrastructure to deliver electric service. Thus, the asset itself will be properly treated as electric plant and subject to the Commission's jurisdiction under Chapter 366, Florida Statutes. However, if and when FPL proposes to make sales of gas transportation service to third parties on the Florida EnergySecure Line during periods when the Line's capacity is temporarily in excess of FPL's own needs to provide natural gas to its power plants, FPL would seek FPSC approval under Chapter 368, Florida Statutes, of the tariffs pursuant to which FPL would make such capacity available to others. (Forrest)

**ISSUE 15:** If FPL owns and operates the Florida EnergySecure Line as proposed, will it "... provide transmission access, subject to available capacity, on a basis that is not unreasonably preferential, prejudicial, or unduly discriminatory. . .", as section 368.105(6) requires?

**FPL:** Yes. FPL will follow FERC's capacity release requirements to release any excess transportation capacity on either the FGT or Gulfstream pipelines. To the extent opportunities arise for FPL to sell excess capacity directly off of the Florida EnergySecure Line to third parties, FPL would make the capacity available in an

open, transparent and non-discriminatory manner. FPL will post its available capacity from the Florida EnergySecure Line on an electronic bulletin board and will include such detail as the available volume of capacity, the available term, and any reserve price. FPL will award capacity in a non-discriminatory manner to the party(ies) offering the highest net present value bid(s) consistent with the posted criteria. (Forrest)

Respectfully submitted this 23<sup>rd</sup> day of July, 2009.

R. Wade Litchfield, Vice President of  
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By: /s/John T. Butler  
John T. Butler  
Florida Bar No. 283479

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished electronically this 23<sup>rd</sup> day of July, 2009, to the following:

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