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September 11, 2009

-VIA HAND DELIVERY -

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

RECEIVED-FPSC
09 SEP 11 PM 3:23
COMMISSION
CLERK

**Re: Docket No. 090002-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 CD containing the electronic version of same. Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and exhibit of FPL witness Anita Sharma.

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

Sincerely,

John T. Butler
John T. Butler

- CUM
- BCP
- [unclear]
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Enclosures
cc: Counsel for parties of record (w/encl.)

DOCUMENT NUMBER-DATE
09445 SEP 11 09
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090002-EG

Filed: September 11, 2009

**PETITION OF FLORIDA POWER & LIGHT COMPANY FOR
APPROVAL OF ITS CONSERVATION COST RECOVERY FACTORS FOR THE
PERIOD JANUARY 2010 THROUGH DECEMBER 2010**

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 ("ECCR") shown on Schedule C-1, page 3 of 3, attached hereto and incorporated by reference, to be applied during the January 2010 through December 2010 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 Regulatory Support
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.
Vice President and Chief Regulatory Counsel
John T. Butler, Esq.
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DOCUMENT NUMBER-DATE

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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 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 ECCR Factors. FPL’s substantial interest in the recovery of its conservation-related expenditures will be affected by this proceeding.

4. FPL’s ECCR Factors were calculated consistent with the order establishing annual ECCR 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 2010 through December 2010 adjusted for (a) the estimated true-up for the period January 2009 through December 2009, and (b) the final conservation true-up for the period January 2008 through December 2008, 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 Anita Sharma and in Exhibit AS-1, which are being filed with and are incorporated by reference in this Petition. Exhibit AS-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 \$170,695,356 for the period January 2010 through December 2010. The net true-up is an under recovery of \$8,951,582, which includes the final conservation true-up under recovery for January 2008 through December 2008 of \$4,994,170 that was reported in FPL’s Schedule CT-1 filed May 1, 2009 and the estimated/actual true-up under recovery for January 2009 through December 2009 of \$170,695,356. The total recoverable conservation costs and applicable taxes,

net of program revenues and reflecting the applicable over or under recoveries to be recovered during the January 2010 through December 2010 period are \$179,713,960, and the ECCR Factors for which FPL seeks approval are designed to recover this level of costs and taxes.

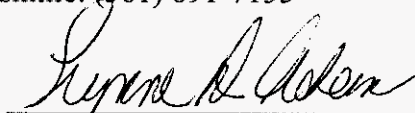
6. FPL is not aware of any disputed issues of fact. This petition is not in response to a prior agency decision, so the petition cannot state when and how it "received notice of the agency decision." The commission should approve the ECCR Factors shown on Schedule C-1, page 3 of 3. FPL is entitled to 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, 2010 through December 31, 2010, and to continue in effect thereafter until modified by the Commission, the ECCR Factors for the period January 2010 through December 2010 shown on Schedule C-1, page 3 of 3.

Respectfully submitted,

R. Wade Litchfield, Esq.
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Facsimile: (561) 691-7135

By:


John T. Butler
Fla. Bar No. 283479

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 its ECCR Factors and the testimony and exhibits of Anita Sharma for the Period January 2010 through December 2010 has been furnished by hand delivery (*) or U.S. Mail on September 11, 2009, to the following:

Katherine Fleming*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Office of Public Counsel
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Patricia Ann Christensen, Esq.
Charlie Beck, Esq.
c/o The Florida Legislature
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Tallahassee, FL 32399-1400

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West Palm Beach, FL 33402-3395

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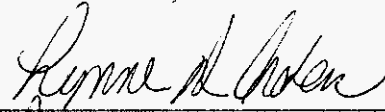

Messer Law Firm
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Progress Energy Florida, Inc.
Mr. Paul Lewis, Jr.
106 East College Avenue, Suite 800
Tallahassee, FL 32301-7740

By: _____


 John T. Butler
Fla. Bar No. 283479