

Ruth Nettles

From: Ann Bassett [abassett@lawfla.com]
Sent: Wednesday, September 30, 2009 8:42 AM
To: Filings@psc.state.fl.us
Subject: Docket No. 090002-EG
Attachments: 2009-09-30, 090002, FPUC Prelim. Issues and Positions.pdf

The person responsible for this electronic filing is:

Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
P.O. Box 15579
Tallahassee, FL 32317
(850) 222-0720
nhorton@lawfla.com

The Docket No. is 090002-EG Energy Conservation Cost Recovery Clause

This is being filed on behalf of Florida Public Utilities Company

Total Number of Pages is 4

Florida Public Utilities Company's Preliminary List of Issues and Positions.

Ann Bassett
Messer, Caparello & Self, P.A.
2618 Centennial Place (32308)
P.O. Box 15579
Tallahassee, FL 32317
Direct Phone: 850-201-5225
Fax No. 850-224-4359
Email Address: <abassett@lawfla.com>
Web Address: <www.lawfla.com>



MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

www.lawfla.com

September 30, 2009

BY ELECTRONIC FILING

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 090002-EG

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company is Florida Public Utilities Company's Preliminary List of Issues and Positions in the above-referenced docket.

Thank you for your assistance in this matter.

Sincerely,

Norman H. Horton, Jr.

NHH:amb
Enclosures

cc: Mr. Joseph R. Eysie
Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 090002-EG
Filed: September 30, 2009

**FLORIDA PUBLIC UTILITIES COMPANY'S
PRELIMINARY LIST OF ISSUES AND POSITIONS**

Florida Public Utilities Company ("FPUC"), by and through its undersigned counsel, submits its preliminary list of issues and positions for each of its two electric divisions in connection with the hearing that is scheduled for November 2-3, 2009, in the above-styled docket.

ISSUES AND POSITIONS

Issue 1: What are the final conservation cost recovery true-up amounts for the period January 2008 through December 2008?

FPUC's Position: \$26,890 (underrecovery)

Issue 2: What are the total conservation cost recovery amounts to be collected during the period January, 2010 through December 2010?

FPUC's Position: \$591,724

Issue 3: What are the conservation cost recovery factors for the period January 2010 through December 2010?

FPUC's Position: The appropriate conservation cost recovery factor on a consolidated basis is \$.00080.

Issue 4: What should be the effective date of the conservation cost recovery factors for billing purposes?

FPUC's Position: The conservation cost recovery factors should be effective for the period January 2010 through December 2010, and to billings thereafter until other conservation cost recovery factors are approved by the Commission.

Date this 30th day of September, 2009.

Respectfully submitted,

MESSER, CAPARELLO & SELF, P. A.
Post Office Box 15579
Tallahassee, FL 32317
(850) 222-0720

A handwritten signature in black ink, appearing to read "Norman H. Horton, Jr.", written over a horizontal line.

NORMAN H. HORTON, JR., ESQ.
Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 30th day of September, 2009 upon the following:

Katherine Fleming, Esq.
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Patricia Ann Christensen, Esq.
Associate Public Counsel
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm 812
Tallahassee, FL 32399-1400

Carla G. Pettus
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

Ms. Paula K. Brown
Tampa Electric Company
P.O. Box 111
Tampa, FL 33601

John T. Burnett, Esq.
Progress Energy Florida, Inc.
P.O. Box 14042
St. Petersburg, FL 33733-4042

Paul Lewis, Jr.
Progress Energy Florida, Inc.
106 E. College Avenue, Suite 800
Tallahassee, FL 32301

John W. McWhirter, Jr. Esq.
McWhirter Reeves & Davidson, P.A.
P.O. Box 3350
Tampa, FL 33601-3350

Ms. Susan D. Ritenour
Secretary and Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

Jeffrey A. Stone, Esq.
Russell Badders, Esq.
Steven R. Griffin, Esq.
Beggs & Lane Law Firm
P.O. Box 12950
Pensacola, FL 32591

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302


NORMAN H. HORTON, JR.