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COMMISSION  
CLERK

August 1, 2011

-VIA HAND DELIVERY -

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

Re: Docket No. 110007-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the following:

1. The original and seven (7) copies of Florida Power & Light Company's ("FPL") Petition for Approval of the Environmental Cost Recovery Actual/Estimated True-Up for the Period January 2011 Through December 2011 and Approval of the National Pollutant Discharge Elimination System (NPDES) Permit Renewal Requirements Project. *05404-11*
2. The Original and fifteen (15) copies of the prefiled testimony and exhibits of FPL Witnesses T.J Keith and R.R LaBauve. *05405-11*

Also included herewith is a CD containing electronic files of FPL's Petition for Approval of the Environmental Cost Recovery Actual/Estimated True-up for the Period January 2011 through December 2011 and Approval of the National Pollutant Discharge Elimination System (NPDES) Permit Renewal Requirements Project.

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

Sincerely,

John T. Butler

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 RAD \_\_\_\_\_  
 SSC \_\_\_\_\_  
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 OPC \_\_\_\_\_  
 CLK \_\_\_\_\_

*4+1 CD containing petition.*  
Enclosures  
cc: Counsel for Parties of Record (w/encl.)

an FPL Group company

DOCUMENT NUMBER-DATE

05404 AUG-1 =

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**IN RE: Environmental Cost )  
Recovery Clause )**

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**Docket No. 110007-EI  
Filed: August 1, 2011**

**PETITION FOR APPROVAL OF THE ENVIRONMENTAL  
COST RECOVERY ACTUAL/ESTIMATED TRUE-UP FOR  
THE PERIOD JANUARY 2011 THROUGH DECEMBER 2011  
AND APPROVAL OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMIT RENEWAL REQUIREMENTS PROJECT**

Florida Power & Light Company (“FPL”) pursuant to Order No. PSC-93-1580-FOF-EI, hereby petitions this Commission to approve the calculation of its Environmental Cost Recovery (“ECR”) Actual/Estimated True-up over-recovery of \$8,700,978, including interest, for the period January 2011 through December 2011 and to approve the National Pollutant Discharge Elimination System (NPDES) Permit Renewal Requirements Project, such that the reasonable costs incurred by FPL in connection with those activities may be recovered through the ECR clause. In support of this Petition, FPL incorporates the prepared written testimony and exhibits of FPL witnesses T.J. Keith and R.R. LaBauve.

1. Section 366.8255 of the Florida Statutes, which became effective on April 13, 1993, authorizes the Commission to review and approve the recovery of prudently incurred Environmental Compliance Costs.

2. Order No. PSC-99-2513-FOF-EI, issued on December 22, 1999, requires utilities to file their current period actual/estimated true-ups at least 90 days prior to the ECR clause hearing. The hearing in this docket is scheduled to commence on November 1, 2011, which is more than 90 days after the filing of this petition.

3. The calculation of the ECR Actual/Estimated True-up amount for the period January 2011 through December 2011 is contained in Commission Schedules 42-1E through 42-9E, which are attached as Appendix I to Mr. Keith’s testimony.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

4. FPL's ECR Actual/Estimated True-up over-recovery for the period January 2011 through December 2011 is \$8,700,978, as set forth in the testimony and exhibits of Mr. Keith. Pursuant to Order No. PSC-02-1735-FOF-EI, FPL has included actual costs for the period January 2011 through June 2011 and revised estimates for the period July 2011 through December 2011.

5. Mr. LaBauve's prepared testimony and documents present and support a new environmental compliance activity for recovery through the ECR Clause: the NPDES Permit Renewal Requirements Project. Mr. LaBauve's testimony and documents describe this new activity, identify the environmental law or regulation requiring the new activity, the forecasted costs associated with the new activity, and a description of the steps FPL is taking to ensure that the environmental compliance costs to be incurred by FPL pursuant to the new activity are prudent. This information shows that the new activity meets the requirements for recovery set forth in Section 366.8255 of the Florida Statutes and that the forecasted environmental compliance costs associated with it are reasonable.

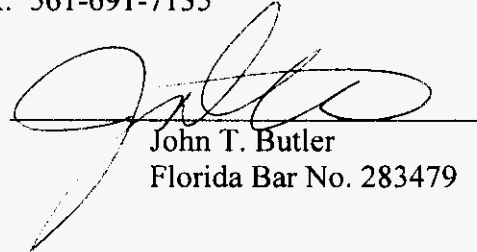
6. The NPDES Permit Renewal Requirements Project is required by the Federal Clean Water Act, which requires all point source discharges to navigable waters from industrial facilities to obtain permits under the NPDES program. See 33 U.S.C. Section 1342. NPDES permits must be renewed every five years. This project is associated with requirements for increased effluent toxicity monitoring and reporting, as well as for preparing a Storm Water Pollution Prevention Plan, that are or will be contained in the latest renewals for FPL's NPDES permits.

WHEREFORE, FPL respectfully requests the Commission to approve the ECR Actual/Estimated True-up over-recovery of \$8,700,978, including interest for the period January 2011 through December 2011 that is requested herein, and to approve the NPDES Permit Renewal Requirements project described above and in Mr. LaBauve's testimony and documents, such that the reasonable costs incurred by FPL in connection with this new activity may be recovered through the ECR clause.

Respectfully submitted,

R. Wade Litchfield, Esq.  
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By:

A handwritten signature in black ink, appearing to read "John T. Butler", written over a horizontal line. The signature is stylized and cursive.

John T. Butler  
Florida Bar No. 283479

**CERTIFICATE OF SERVICE**  
**Docket No. 110007-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Approval of Environmental Cost Recovery Actual/Estimated True-up for the Period January 2011 through December 2011 has been furnished by hand delivery (\*) or U.S. Mail this 1<sup>st</sup> day of August, 2011, to the following:

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