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February 10, 1995

By Hand Delivery

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399

ORIGINAL
FILE COPY

**Re: Conservation Cost Recovery Clause
Docket No. 950002-EG**

Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company are the original and fifteen (15) copies of Florida Power & Light Company's Preliminary List Of Issues And Positions.

Also enclosed is a diskette containing a copy of Florida Power & Light Company's Preliminary List Of Issues And Positions. The diskette is a 3.5 inch high density diskette using Word Perfect 6.0a for Windows.

If you or your Staff have any questions regarding this filing, please contact me.

Very truly yours,

Charles A. Guyton

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FPSC DEPARTMENT OF RECORDS

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cc: All Parties of Record

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Conservation Cost
Recovery Clause

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)

Docket No. 950002-EG
Filed: February 10, 1995

FLORIDA POWER & LIGHT COMPANY'S
PRELIMINARY LIST OF ISSUES AND POSITIONS

Florida Power & Light Company ("FPL") hereby submits its preliminary list of issues and positions in this proceeding:

ISSUE 1: What is the final end-of-the-period true-up amount for the period October 1993 through September 1994:

FPL: \$2,079,877 overrecovery (Arias)

ISSUE 2: What are the appropriate conservation cost recovery factors for the period April 1995 through March 1996?

| FPL: | Rate Class | ECCR Factor | Rate Class | ECCR Factor |
|------|------------|---------------|-------------|---------------|
| | RS1 | .00252 \$/kWH | SST1T | .00181 \$/kWH |
| | GS1 | .00233 \$/kWH | SST1D | .00170 \$/kWH |
| | GSD1 | .00216 \$/kWH | CILCD/CILCG | .00193 \$/kWH |
| | OS2 | .00177 \$/kWH | CILCT | .00183 \$/kWH |
| | GSLD1/CS1 | .00209 \$/kWH | MET | .00218 \$/kWH |
| | GSLD2/CS2 | .00200 \$/kWH | OL1/SL1 | .00132 \$/kWH |
| | GSLD3/CS3 | .00189 \$/kWH | SL2 | .00191 \$/kWH |
| | ISST1D | .00229 \$/kWH | | |

(Arias)

ISSUE 3: Are all the utilities participating in the conservation cost recovery clause entitled to recover their advertising expenses incurred during the period October 1993 through September 1994?

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FPL: FPL is entitled to recover all its advertising expenses incurred during the period October 1993 through September 1994.

This issue should be reworded to identify specific utilities, advertisements, expenses and the rationale for potential disallowance. As worded it does not sufficiently focus the controversy to allow testimony; it is overbroad, potentially causing utilities to seek to provide detailed, supplemental justifications for advertisements no one challenges. For instance, FPL is not aware of any party having a concern with any of FPL's advertisements, yet the issue as worded puts all of FPL's advertisements in controversy.

ISSUE 4: Should the Commission open a docket to establish standards for the energy claims made in advertisements and promotional literature related to ECCR? Some of the related variables are energy efficiency, energy consumption, equipment costs, etc.

FPL: No. The Commission should consider ECCR advertising expenses on a case by case basis within the guidelines of the existing rule. Establishing standards for multiple industries for the wide variety of factors mentioned is impractical. The Commission recently acknowledged this difficulty in the Goals docket and opted for further research.

FPL has concerns about the issue as it is presently worded. FPL needs clarification of matters to be able to formulate testimony. In short, FPL needs to understand the scope of the potential docket. FPL's confusion about this issue stems from the term "energy claims" as well as the seeming change in the scope of the issue.

As to "energy claims," FPL is not certain what is meant. How do "equipment costs" relate to "energy claims?" Would a dollar savings claim in an advertisement be considered an "energy claim?"

Would the purpose of the docket be to consider the "related variables" mentioned - "energy efficiency, energy consumption, equipment costs, etc.?" If so, what is included by the term "etc.?" Would the purpose of the docket be to consider standards that would limit speech, or would the standards be limited to ECCR cost recovery?

By rewording the issue, did staff intend to extend the scope of the potential docket from applications that have alternative fuel options to all applications?)

Respectfully submitted,

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Attorneys for Florida
Power & Light Company

By: Charles A. Guyton
Charles A. Guyton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Preliminary List of Issues And Positions was served by Hand Delivery (when indicated with an *) or mailed this 10th day of February, 1995 to the following:

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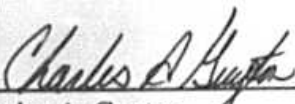
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