

ORIGINAL

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 (Facsimile)
E-mail: john_butler@fpl.com

August 2, 2007

RECEIVED-FPSC

07 AUG -3 AM 10:30

COMMISSION
CLERK

~~MA~~ OVERNIGHT DELIVERY -

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

Re: Docket No. 070007-EI

Dear Ms. Cole:

DISTRIBUTION CENTER
07 AUG -3 AM 10:11

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 the Environmental Cost Recovery Estimated/Actual True-Up for the Period January 2007 Through December 2007 and Approval of the Martin Plant Drinking Water System Compliance Project, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software in which the document appears is Word 2003.

06664-07

Also enclosed for filing are the original and fifteen (15) copies of the prefiled testimony and exhibits of Florida Power & Light Company witnesses K. M. Dubin and R. R. LaBauve.

06665-07

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

* Diskette forwarded to ECR.

Sincerely,

Kevin M. Dubin
John T. Butler for JTB

- CMP _____
- COM 5
- CTR *original*
- ECR 1
- GCL 1
- OPC _____
- RCA 3
- SCR _____
- SGA _____
- SEC _____
- OTH _____

Enclosures
cc: Counsel for Parties of Record (w/encl.)

DOCUMENT NUMBER-DATE

06664 AUG-3 5

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Environmental Cost)
Recovery Clause)

Docket No. 070007-EI
Filed August 3, 2007

**PETITION FOR APPROVAL OF THE ENVIRONMENTAL COST RECOVERY
ESTIMATED/ACTUAL TRUE-UP FOR THE PERIOD JANUARY 2007 THROUGH
DECEMBER 2007 AND APPROVAL OF THE MARTIN PLANT DRINKING
WATER SYSTEM COMPLIANCE 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") Estimated/Actual True-up under-recovery of \$685,621 for the period January 2007 through December 2007; and to approve the Martin Plant Drinking Water System Compliance Project, such that the reasonable costs incurred by FPL in connection with that Project subsequent to the date of this petition may recovered through the ECR Clause. In support of this Petition, FPL incorporates the prepared written testimony of, and documents sponsored by, K. M. Dubin and R. R. LaBauve and states:

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 PSC-99-2513-FOF-EI, issued on December 22, 1999, requires utilities to file their current period estimated/actual true-ups at least 90 days prior to the ECR clause hearing. The hearing in this docket is scheduled to commence on November 6, 2007, which is more than 90 days after the filing of this petition.

DOCUMENT NUMBER-DATE

06664 AUG-3 5

FPSC-COMMISSION CLERK

3. The calculation of the ECR Estimated/Actual True-up amount for the period January 2007 through December 2007 is contained in Commission Schedules 42-1E through 42-8E, which are attached as Appendix I to Ms. Dubin's testimony.

4. FPL submits for recovery the Estimated/Actual True-up under-recovery of \$685,621 for the period January 2007 through December 2007, as set forth in the testimony and exhibits of Ms. Dubin. Pursuant to Order PSC-02-1735-FOF-EI, FPL has included actual costs for the period January through June 2007 and revised estimates for the period July through December 2007.

5. Mr. R. R. LaBauve's prepared testimony and exhibits present a new environmental compliance activity for recovery through the Environmental Cost Recovery Clause: the Martin Plant Drinking Water System Compliance Project. Mr. LaBauve's testimony includes a description of the Project; an identification of the environmental law or regulation requiring FPL to undertake the project; the forecasted costs associated with the project and a description of the steps FPL is taking to ensure that the environmental compliance costs to be incurred by FPL pursuant to the project are prudent; and a demonstration of the appropriateness of the project. This information shows that the Martin Plant Drinking Water System Compliance Project meets the requirements for recovery set forth in Section 366.8255, Florida Statutes, and that the forecasted environmental compliance costs are prudent.

WHEREFORE, FPL respectfully requests the Commission to (1) approve the Environmental Cost Recovery Estimated/Actual True-up amount requested herein for the period January 2007 through December 2007; and (2) approve the Martin Plant Drinking Water System Compliance Project, such that the reasonable costs incurred by FPL in

connection with this project subsequent to the date of this petition may recovered through the ECR Clause.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, Florida 33408-0420
Telephone: 561-304-5639
Fax: 561-691-7135

By: Kernel M. Danti for JTB
John T. Butler
Florida Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 070007-EI

I HEREBY CERTIFY that a true and correct copy of Florida Power & Light Company's Petition for Approval of the Environmental Cost Recovery Estimated/Actual True-Up for the Period January 2007 Through December 2007 and Approval of the Martin Plant Drinking Water System Compliance Project has been furnished by overnight delivery (*) or U.S. Mail on August 2, 2007 to the following:

Martha Brown, Esq.*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

Gary V. Perko, Esq.
Hopping Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

John W. McWhirter, Jr., Esq.
McWhirter, Reeves, McGlothlin,
Davidson, et al.
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
Tampa, Florida 33602

By: John T. Butler for JTB
John T. Butler