

Ruth Nettles

From: Rubin, Ken [Ken.Rubin@fpl.com]
Sent: Monday, May 11, 2009 4:49 PM
To: Filings@psc.state.fl.us
Cc: Ralph Jaeger; Erik Saylor; 'swright@yvlaw.net'; 'jlvavia@yvlaw.net'; 'dtucker@ngnlaw.com'; 'barmstrong@ngnlaw.com'; 'simpson66@bellsouth.net'; 'tbradford@townofpalmbeach.com'; 'jyarbrough@southdaytona.org'
Subject: Electronic Filing: Docket Nos. 070231-EI and 080244-EI - FPL's Pre-Hearing Statement
Attachments: FPL Pre-Hearing Statement(FINAL).doc; FPL Pre-Hearing Statement(FINAL).pdf

Electronic Filing

a. Person responsible for this electronic filing:

Kenneth M. Rubin, Esquire
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

b. Docket No. 080244-EI: In Re: Petition for Approval of Underground Conversion tariff revisions; and

Docket No. 070231-EI: In Re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company

c. The document is being filed on behalf of Florida Power & Light Company.

d. There are a total of __ pages.

e. The document attached for electronic filing is Florida Power & Light Company's Pre-Hearing Statement

Kenneth M. Rubin, Esquire
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of 2007 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company. DOCKET NO. 070231-EI

In re: Petition for approval of underground conversion tariff revisions, by Florida Power & Light Company. DOCKET NO. 080244-EI
DATED: MAY 11, 2009

FPL'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0114-PCO-EI, filed February 25, 2009, Florida Power & Light Company ("FPL") files its Prehearing Statement.

a. All Known Witnesses

Thomas R. Koch Support of FPL's Tariff revisions filed in Docket No. 070231-EI for the Underground Residential Distribution (URD) tariff, and in Docket No. 080244-EI for the calculation of contribution-in-aid-of-construction (CIAC) in the Underground Conversion tariff. Mr. Koch will focus on the identification of appropriate factors and data considered in the calculation of the operational cost differentials, along with the actual calculations of those cost differentials. Mr Koch will also respond in rebuttal to the portions of the testimony submitted on behalf of the Municipal Underground Utilities Consortium (MUUC) Witnesses, Peter J. Rant and Lloyd D. Shank, that relate to their opinions on the long-term costs of operating and maintaining distribution overhead and underground facilities and systems.

John McEvoy Support of FPL's Tariff revisions filed in Docket No. 070231-EI for the Underground Residential Distribution (URD) tariff, and in Docket No. 080244-EI for the calculation of contribution-in-aid-of-construction (CIAC) in the Underground Conversion tariff. Mr. McEvoy will respond to the portions of the testimony submitted on behalf of the Municipal Underground Utilities Consortium (MUUC) Witnesses, Peter J. Rant and Lloyd D. Shank, that relate to their opinions on the relative performance and long-term costs of operating and maintaining distribution overhead and underground facilities and systems.

b. All Known Exhibits

1. TRK-1 – URD and UCD Tariff Filings (3 Filings)

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2. TRK-2 – URD – Operational Cost Differential Analysis
3. TRK-3 – Overhead to Underground Conversion Tariff Filings (2 filings)
4. TRK-4 – Overhead to Underground Conversion – Operational Cost Differential Analysis

Rebuttal Exhibits – To Be Determined at the time rebuttal testimony is filed

Additional Exhibits to be used in cross examination as needed.

c. FPL's Statement of Basic Position

FPL submitted proposed revisions to its URD Tariff in Docket No. 070231-EI in compliance with Rule 6.078, and the revised FPL Tariff was approved by the Commission on November 24, 2008 in Order No. PSC-08-0774-TRF-EI. Similarly, FPL submitted proposed revisions to its UG Conversion Tariff in compliance with Rule 25-6.115, and the revised FPL Tariff was approved by the Commission on November 26, 2008 in Order No. PSC-08-0780-TRF-EI. FPL continues to support the Commission's approval of both the URD and the UG Conversion Tariffs.

d. FPL's Position on the Issues

ISSUE 1: Are FPL's proposed "tiered" URD charges appropriate, and if not, how should the charges for installations of different sizes be stated in FPL's tariff?

POSITION: FPL's proposed tiered URD charges are appropriate. (KOCH, MCEVOY).

ISSUE 2: Taking into account the requirements of Rules 25-6.078 and 25-6.0342, F.A.C., what should FPL's URD charges be?

POSITION: Taking into account the requirements of Rules 25-6.078 and 25-6.0342, F.A.C., FPL's URD charges should be those reflected on FPL's Tariff Sheets identified as Exhibit TRK-1 to the prefiled testimony of Thomas R. Koch, as approved by the Commission. (KOCH, MCEVOY).

ISSUE 3: What relief, if any, should be provided to customers who have previously paid the URD charges approved in Order Nos. PSC 07-0835-TRF-EI and PSC-08-0774-TRF-EI, in the event that the Commission determines

pursuant to Issues 1 and 2 that FPL's URD charges should be lower than approved under the terms of those Orders?

POSITION: In the event the Commission determines that FPL's URD charges should be lower than those previously approved in the Orders identified in Issue 3, customers who paid the URD charges approved in Order No. PSC 07-0835-TRF-EI and Order No. PSC-08-0774-TRF-EI would be entitled to receive a refund, the parameters of which would be determined by the Commission's rulings in this Docket. (KOCH)

ISSUE 4: Are FPL's proposed "tiered" CIAC charges for UG conversions appropriate, and if not, how should the charges for conversion projects of different sizes be stated in FPL's tariff?

POSITION: FPL's tiered CIAC charges for UG conversions are appropriate. (KOCH, MCEVOY)

ISSUE 5: Taking into account the requirements of Rule 25-6.115, what should FPL's CIAC charges for conversions of existing overhead facilities to underground service be?

POSITION: Taking into account the requirements of Rules 25-6.115, F.A.C., FPL's URD charges should be those reflected on FPL's Tariff Sheets identified as Exhibit TRK-1 to the prefiled testimony of Thomas R. Koch, as approved by the Commission. (KOCH, MCEVOY)

ISSUE 6: What relief, if any, should be provided to customers who have previously paid the conversion CIAC charges approved in Order No. PSC 08-0780-TRF-EI, in the event that the Commission determines pursuant to Issues 4 and 5 that FPL's CIAC charges should be lower than approved under the terms of that Order?

POSITION: In the event the Commission determines that FPL's CIAC charges should be lower than those previously approved in the Order identified in Issue 6, customers who paid the CIAC charges approved in Order Nos. PSC 08-0780-TRF-EI would be entitled to receive a refund, the parameters of which would be determined by the Commission's rulings in this Docket. (KOCH)

e. Stipulated Issues

For Docket No. 070231-EI, the parties and staff agree that FPL's underground commercial distribution (UCD) tariffs are not at issue in this proceeding.

f. Pending Motions

There are no pending motions.

g. Pending Confidentiality Claims or Requests

FPL's Request For Confidential Classification (Data Request No. 15) filed September 18, 2008, Document No. 08815-08

Additionally, FPL has not yet been advised by the MUUC whether it intends to designate late filed Exhibit 2 to the deposition of MUUC witness Peter Rant as confidential. In the event the MUUC designates late filed Exhibit 2 as confidential, FPL anticipates that a request for confidential classification will need to be filed for it.

h. Objections to Witness Qualifications as an Expert

None

i. Compliance with Order No. PSC-09-0114-PCO-EI

FPL has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 11th day of May, 2009.

Kenneth M. Rubin, Esquire
Senior Attorney
John T. Butler, Esquire
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
Telephone: (561) 691-2512
Facsimile: (561) 691-7135

By: /s/Kenneth M. Rubin
Kenneth M. Rubin
Fla. Bar No. 349038

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CERTIFICATE OF SERVICE
Docket Nos. 080244-EI and 070231-EI

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served by electronic delivery on the 11th day of May, 2009, to the following persons:

Ralph Jaeger
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
rjaeger@psc.state.fl.us
esayler@psc.state.fl.us

Robert Scheffel Wright
Jay T. LaVia, III
Young van Assenderp, P.A.
225 South Adams Street
Suite 200
Tallahassee, Florida 32301
Email: swright@yvlaw.net
jlavia@yvlaw.net

Brian P. Armstrong, Esq.
David G. Tucker
Nabors, Giblin & Nickerson, P.A.
1500 Mahan Drive
Suite 200
Tallahassee, Florida 32308
Telephone: (850) 224-4070
Facsimile: (850) 224-4073
dtucker@ngnlaw.com
barmstrong@ngnlaw.com

Scott E. Simpson, Esq.
Korey, Sweet, McKinnon, Simpson
and Vukelja
Granada Oaks Professional Building
595 West Granada Boulevard, Suite A
Ormond Beach, FL 32174-9448
Telephone: (386) 677-3431
Facsimile: (386) 673-0748
simpson66@bellsouth.net

MUUC/City of Coconut Creek
Thomas G. Bradford, Deputy Town Mgr
c/o Town of Palm Beach, Florida
360 South County Road
Palm Beach, FL 33480
Telephone: (561) 838-5410
Facsimile: (561) 838-5411
Tbradford@TownofPalmBeach.com

City of South Daytona
Joseph W. Yarbrough
P.O. Box 214960
South Daytona, FL 32121
Telephone: (386) 322-3010
Facsimile: (386) 322-3008
jyarbrough@southdaytona.org

By: /s/Kenneth M. Rubin
Kenneth M. Rubin
Fla. Bar No. 349038